

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATE OF AMERICA,
Plaintiff,

vs.

MCKENZIE J. CARSON,
Defendant.

Docket No. 11 CR 00918

Chicago, Illinois
October 15, 2015
10:40 AM

TRANSCRIPT OF PROCEEDINGS - Sentencing
BEFORE THE HONORABLE ELAINE E. BUCKLO

APPEARANCES:

For the Plaintiff:

HON. ZACHARY T. FARDON
UNITED STATES ATTORNEY
BY: MS. JENNIFER H. LEVIN
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604

For the Defendant:

LAW OFFICE OF WILLIAM D. SHAVER
BY: MR. WILLIAM D. SHAVER
150 North Michigan Avenue,
Suite 2800
Chicago, Illinois 60601

ALSO PRESENT:

MR. TROY GROOMS, Probation Officer.

Court Reporter:

SANDRA M. TENNIS, CSR, RMR, FCRR
Official Court Reporter
219 S. Dearborn Street, Room 2260
Chicago, Illinois 60604
(312) 554-8244
sandra_tennis@ilnd.uscourts.gov

1 THE CLERK: 11 CR 918, Defendant one, USA versus
2 Carson, for sentencing.

3 THE COURT: Good morning.

4 MR. SHAVER: Good morning, Judge. William Shaver
5 on behalf of McKenzie Carson.

6 MS. LEVIN: Good morning, Judge. Jennie Levin on
7 behalf of the United States.

8 THE COURT: Good morning. Okay. Mr. Carson can
9 come down. There are numerous objections that we need to
10 deal with.

11 MR. SHAVER: I believe Mr. Carson wants to address
12 the Court.

13 THE COURT: Well, usually that's the last thing
14 before sentencing. Is there something -- some reason why
15 there should be an exception?

16 MR. SHAVER: He is claiming he has fired me and --

17 THE COURT: Well, I already ruled on that.

18 THE DEFENDANT: I have an attorney that's supposed
19 to be meeting with me here today. Heather Winslow is
20 supposed to be meeting with me here today to do the
21 sentencing. It has been nothing but conflict after conflict
22 with -- with him. And he is trying to sabotage my sentence.
23 I don't agree with his sentence memorandum. She is claiming
24 in our sentence that -- objection that I'm stalling, your
25 Honor. I want to get this over with just like -- just like

1 you guys. I'm the one going through the torture every day in
2 fear for her trying to give me life in prison, you know,
3 and -- and --

4 THE COURT: Well, technically that's not what she
5 is asking. Although, I'm not quite sure what the sentence
6 recommendation from the government means, but we'll get to
7 that. We'll get to that. Have you hired Ms. Winslow?

8 THE DEFENDANT: That's what -- we are in the midst.
9 She is going to be here today to meet with my family and me.
10 She spoke with my aunt yesterday and --

11 THE COURT: Call her up, Jackie.

12 THE DEFENDANT: And I'm -- you denied paying for a
13 lawyer so my family -- we're going to get the money together
14 to pay for it.

15 THE COURT: I didn't hear what you just said. I
16 did not what?

17 THE DEFENDANT: You denied giving me a lawyer last
18 time I was here.

19 THE COURT: Wait a minute. Let's at least make
20 sure that the record is very straight. In the first place,
21 you were appointed a lawyer. I don't remember who -- I just
22 noticed that the other day.

23 MR. SHAVER: Chuck Aron?

24 THE COURT: No, before him.

25 MR. SHAVER: Jack Rimland?

1 THE COURT: Yes. I don't know -- I can't tell -- I
2 don't have from -- what happened there. He quit, you fired
3 him, or what happened.

4 THE DEFENDANT: The first lawyer, I don't believe
5 you were on the stand. It was a different judge on the
6 stand.

7 THE COURT: There have been --

8 THE DEFENDANT: And I was appointed Jack Rimland.

9 THE COURT: Yes.

10 THE DEFENDANT: And Jack Rimland, I had him for six
11 months that he never came to see me or accept my calls. And
12 after six months, he withdrew from the case.

13 THE COURT: All right. Well, anyway, is he a
14 Defender?

15 MS. LEVIN: He is.

16 THE COURT: He must be.

17 MS. LEVIN: He was appointed, Judge. And he
18 withdrew because he was fired by the defendant. The
19 defendant wanted a new attorney.

20 THE DEFENDANT: No, he was not fired by the
21 defendant.

22 THE COURT: All right. Well, we won't go into
23 whatever the cause of it was, but I saw that. And then, you
24 know, the Federal Defender was again appointed. The
25 government -- you know, again, you were having a paid

1 attorney. It was Mr. Aron, who is a very experienced
2 attorney around here. I know you had some disagreements with
3 him. I saw one letter in the -- on the docket. But then, in
4 the end, he asked to have a second attorney. And so it's
5 highly unusual in a case like this, but I appointed an
6 additional attorney. When I say a case like this, it's
7 highly unusual in any Federal case to have two appointed
8 attorneys. But, in this case, I did appoint a second
9 attorney. And so you had two attorneys to represent you at
10 trial. And then, on the eve of trial, he suddenly decided he
11 needed somebody who -- an additional attorney. And while she
12 was supposed to just be helping prepare, technically, at
13 trial, you had three attorneys, two of whom were highly
14 experienced Federal Panel attorneys. Then after -- frankly,
15 you know, they --

16 THE DEFENDANT: Your Honor?

17 THE COURT: They were -- they certainly were
18 zealous. They were extremely zealous. At times I thought
19 perhaps their zealousness exceeded civility. But, at any
20 rate, the jury did convict you and the jury convicted you
21 because the evidence was simply overwhelming, despite the
22 fact that you had two --

23 THE DEFENDANT: Your Honor?

24 THE COURT: -- attorneys who did their best. And
25 you fired them.

1 THE DEFENDANT: You're absolutely right. I had
2 Chuck Aron. Chuck Aron was a great attorney. I'm not
3 arguing what -- what he is capable of doing. But what he is
4 capable of doing and what he do is two different things. And
5 I let you know this way before trial that he refused to file
6 motions, refused to get the evidentiary hearing, refused to
7 explore special investigators to go outside and do research
8 of my -- on my defense. I wrote a letter to your clerk's
9 office, to you, to Chuck Aron's office, you know. And I went
10 to trial with a lawyer that said, if it was up to him, I
11 would get the rest of my life in prison.

12 THE COURT: Wait a minute. Ellen Domphe is
13 considered one of the most highly respected lawyers I know.

14 THE DEFENDANT: Yeah, I know he is a great lawyer,
15 but --

16 THE COURT: But she was, too.

17 (Discussion off the record.)

18 THE COURT: I'm not sure what your aunt said to
19 her. She didn't know that there was any reason why she
20 needed to be here today.

21 THE DEFENDANT: I haven't spoken to Heather
22 firsthand. You know, my aunt spoken with Heather. And, from
23 my understanding, Heather was going to be in the court
24 building today, you know. And I was going to be able to
25 speak to her today to employ her for my sentencing, you know.

1 And -- and, right now, I don't have an attorney. This is not
2 my attorney.

3 THE COURT: All right. Well, let's continue.

4 THE DEFENDANT: And any other thing would be --

5 THE COURT: I don't want to say that she should
6 come or not come. She hasn't been hired, apparently. Okay.

7 Anyway, let me continue this. I want to finish at
8 least what I have to say on this because I don't -- I don't
9 know if you will think about it; but, anyway, so then you had
10 three attorneys, you fired them all. Mr. Shaver was
11 appointed. He has certainly, I think, been diligent in
12 representing you in all of this time. So the thing is, it
13 has been two years since the trial, or almost two years.

14 THE DEFENDANT: You say --

15 THE COURT: It's a very long time. And this case
16 is -- began in 2011. We need to have it done. So --

17 THE DEFENDANT: I was arrested in 2012.

18 THE COURT: You came in last time and you
19 disagreed -- well, it has an 11 CR.

20 THE DEFENDANT: Yeah, I was arrested in 2012, your
21 Honor.

22 MS. LEVIN: He was arrested, your Honor, I believe
23 it was January 2nd of 2012. It was indicted in late.

24 THE COURT: I see.

25 THE DEFENDANT: I was arrested in 2012.

1 THE COURT: Okay. At any rate, the reason I denied
2 it last time is that it sounded like the same thing; that,
3 when an attorney disagrees with you, then you decide that you
4 want them fired. I have no reason to think some other
5 attorney is going to agree with you. And, at this point, we
6 are at sentencing.

7 THE DEFENDANT: It's so much information that's
8 being left out of my sentence memorandum. It's like, it's
9 surface stuff that is being -- you need to get a real clear
10 picture of me and a real clear understanding of what type of
11 person and individual I am --

12 THE COURT: I agree with that.

13 THE DEFENDANT: -- you know, and -- and to just,
14 you know, I'm not saying he didn't discuss me, but it's not
15 detailed. There is a lot of stuff missing that I think you
16 really should know, you know, um. This is my life, your
17 Honor.

18 THE COURT: I understand.

19 THE DEFENDANT: You know, and, you know, this
20 isn't -- my life is in your hands. And I believe I -- I
21 deserve a fair shot for you to be able to make the ruling of
22 what type of future I'm going to have, if any, you know.
23 Because it's like -- it's like the world is against me in a
24 sort-of-speak manner. And I'm not getting a chance at a -- a
25 fair chance to show that I can be a productive member of

1 society, you know. My life can go to a way better direction
2 if you know the type of individual I truly am, you know. You
3 have been misled about many things that I can't sit here and
4 go into. But a memorandum, everything isn't always what it
5 appears to be, you know. But, you know, it's like, you know,
6 I'm already, before birth, you know, coming in fighting.
7 One-in-a-billion chance to even make -- to survive to the
8 womb to come into this world. Then you come into this world
9 and it's like everybody is closing in on you. You know, I
10 mean, you know, I mean, I got certain circumstances that
11 happened in my life that you need to know that led up into
12 the points of things. Do you understand what I'm trying to
13 say here? And just surfacing and missing out -- missing out
14 complete stuff. And, you know, I think Heather can prepare
15 my memorandum much better, you know. And I --

16 THE COURT: Well, I'm not going to appoint another
17 attorney for you.

18 THE DEFENDANT: I'm saying, I'm going to pay for
19 the attorney. If I have to do the memorandum myself, you
20 deny me -- if I got to do my sentence myself, you deny me
21 assistance of a counsel. But I cannot go on with someone I
22 feel is trying to sabotage --

23 THE COURT: I don't think anybody can say that I
24 have denied you the assistance of counsel.

25 THE DEFENDANT: And he is trying to -- that

1 somebody -- how can I move forward with somebody that I feel
2 that's trying to sabotage my sentencing. You know, everybody
3 in this world have personal interests in things. And some
4 things it's very personal to -- to people and -- and certain
5 matters, people can't even make a complete, unbiased decision
6 on things. You know, we all have special interests that we
7 take up on things, you know. And, you know, I'm not saying
8 what anybody ain't educated. I'm not educated. I got a
9 sixth grade education, special ed education. But I can't say
10 this man ain't educated for something he went to school for.
11 I'm not arguing that. But I'm arguing, you know, it's a
12 conflict of interest here. He even told you several --
13 several times that he came to see me and has been -- we've
14 been fueling at each other. It's already bad vibes between
15 us. To have somebody with bad vibes between them and doing
16 my sentence, doing my sentence, he controls what he put in
17 there and what he not. You know, and -- and last time I was
18 here, I was trying to speak, and you had them remove me from
19 the court. You said you heard enough. And somebody gave me
20 this, Faretta vs. California. Faretta, F-a-r-e-t-t-a, versus
21 California says I have the right to speak and be heard and
22 participate in my defense, you know, to participate in my
23 sentencing and all stages of my -- you know, then I get the
24 objection to the sentence memorandum a day before sentence.
25 I got the -- that objection yesterday. It was mailed out on

1 the 13th. He got it on the 13th, from my understanding. I
2 get the sentence memorandum, what, a week ago, a couple days
3 after the court. So it was that Thursday. I got the
4 sentence memorandum, his sentence memorandum, Thursday. So I
5 had no knowledge that this is just surface -- stuff is
6 missing, a lot of important stuff in this sentence
7 memorandum. You know, if I had -- if I had knowledge of
8 this, we could have addressed this. This is something --
9 this is something that should have been brought way ahead of
10 time. You know, just like everything else, like you said, it
11 has been two years. Yeah, two years. A long two years. I
12 don't want to live in fear every day wondering what my future
13 hold. I want to get it over with myself. But, on the same
14 token, at the same token, I want to be able to do everything
15 to bring about, you know, how you say that? I want to,
16 like -- say, for instance, I didn't -- I didn't hold -- like
17 if I'm holding up the court because I asked for my discovery.
18 No, I -- I -- you know, part of the time was -- we didn't
19 wait too long when I waited a year and a half to get my
20 discovery. You know, but now -- now, as soon as they ready,
21 Lindberg kept telling them to give me my discovery. The next
22 thing I know, he is gone. And, finally, when I get my
23 discovery, it was on a CD that I couldn't even access it. I
24 kept on bringing it to you-all's attention. And about time I
25 get the paper print of some of the stuff, I'm being moved

1 four days -- I got the stuff 30 days before trial; and four
2 days before trial, I was moved to the MCC.

3 THE COURT: Well, your attorneys had it. But,
4 meanwhile, I guess I would like both of you to respond to
5 what he has said.

6 MR. SHAVER: Judge, you know that the relationship
7 between Mr. Carson and I has been difficult. I have met with
8 him on numerous occasions, both in Kankakee and at the MCC.
9 Without going into the specifics, because I want to maintain
10 the attorney-client privilege, he has not been forthcoming in
11 assisting me in putting together his sentencing memorandum.
12 He says that it doesn't include -- it's just surface. It
13 just doesn't include the things he wants to say. But,
14 frankly, he has never told me what those things are when I've
15 asked. I've done the best that I can based on what I have
16 had. I think it's a pretty good effort.

17 You know, I'm uncomfortable about representing him.
18 He doesn't want me. He thinks I'm part of some grand
19 conspiracy. I know I'm not -- I'm going to hear all about
20 this later on at some point because he is going to complain
21 about me, as he is going to complain about the other
22 attorneys he has had. But, you know, I've done it to the
23 best of my ability. I filed a motion to withdraw. You
24 denied. I still persevered. I attempted to go over and see
25 him the other day. I wanted to discuss the government's

1 filings with him. We had a major blowup. And I just
2 couldn't continue because nothing was being accomplished.
3 But that's par for the course. I feel very uncomfortable
4 representing Mr. Carson right now. I don't think I should.

5 THE COURT: Did you -- when did he get the
6 memorandum that you filed?

7 MR. SHAVER: The memorandum I filed?

8 THE COURT: Or you were going to file. I assume
9 you gave it to him before you filed it.

10 MR. SHAVER: I gave him the draft copy the day I
11 filed it. He has had it a long time. I met with him --

12 THE COURT: Not just since last week?

13 MR. SHAVER: I've met with him on numerous
14 occasions and asking him if he has read it. The last time,
15 when he actually talked to me, he said he hadn't even read
16 it.

17 MS. LEVIN: It was filed on September 25th, your
18 Honor.

19 MR. SHAVER: September 25th. He has had a draft
20 copy since September 25th.

21 THE DEFENDANT: I was given -- yeah, I was given a
22 draft copy at the end of September. He said he wasn't going
23 to file that one, that he wanted to take some stuff out. And
24 I got the memorandum -- I got the memorandum last week. You
25 gave me the memorandum last week. And it came in the mail.

1 I signed for it. All right? So what he is saying, I can
2 easily prove. I didn't get the memorandum until last week.
3 And I didn't -- I signed for the objection to the memorandum
4 yesterday. I got the objection to the memorandum yesterday.

5 MR. SHAVER: I don't care about the attorney-client
6 privilege. I told him that that was what I was going to
7 file, that it was a draft, but I was going to file it. So he
8 had what I was going to file on the date that I filed it. He
9 has had it. He hasn't even read it.

10 THE DEFENDANT: I've read the memorandum. I read
11 the draft to the -- to the memorandum. You know, he -- he is
12 saying I ain't read it. You know, I told him I read it. He
13 wants to say I ain't read it. If I ain't read it, I wouldn't
14 have knowledge of it. I wouldn't have knowledge that --
15 that -- that he is asking for 15 years and that he is -- I
16 wouldn't have knowledge that he is using -- that he is
17 missing stuff, you know.

18 THE COURT: What is he missing?

19 THE DEFENDANT: He is missing a lot of detailed
20 stuff. And it's a lot of abuse that I went through as a
21 child that he don't have. He don't have it all in there.
22 There are some things in there I pointed out that, wait,
23 you-all got this -- this wrong. And he goes, oh, don't worry
24 about it, it sounds better that way anyway.

25 MR. SHAVER: That's not true. That is,

1 categorically, not true.

2 THE COURT: You can say whatever you want to say.
3 I guess the issue is whether -- I don't want this back.

4 THE DEFENDANT: And it was so bad the other day he
5 went to court that -- the other day, he came to the MCC, the
6 officers at MCC had to intervene. He was --

7 MR. SHAVER: I asked them to intervene because of
8 the violence of the confrontation. It was -- I was getting
9 no where and it was getting heated. So I knocked on the door
10 and asked them to come in and get me out.

11 THE DEFENDANT: He is supposed to be a
12 professional. He was yelling at me at the top of his lungs.
13 And at that time I -- you know, I wasn't --

14 THE COURT: He probably was trying to get you to
15 listen.

16 THE DEFENDANT: No, no. They -- they brought me
17 into the meeting area, and I told them I need my legal
18 documents. He got upset because I wanted my legal documents.
19 Why do you always need your legal documents, and this, and
20 that, and got to yelling to the top of his lungs at me. I
21 said: Look, please don't yell at me. I respect you. I
22 don't yell at you. He kept yelling at me. Then I ended up
23 yelling back. It got -- it got really bad. And, you know, I
24 got my own problems, you know, and he is supposed to be
25 professional. You know, and I ended up, you know, and -- and

1 my medication ain't been right for over two -- I wasn't
2 taking my medication. And they -- they -- I ended up in the
3 segregation. I've been off medication for, like, two,
4 three weeks. And they had to give me -- I've been back on my
5 medication for, like, two days now because they said they
6 wasn't going to let me out of the Seg unless I start taking
7 my medication. So they let me out yesterday and put me on
8 the floor where I could be with the doctor that helps me a
9 lot, you know.

10 THE COURT: By the way, I didn't notice, and I
11 guess I want the record -- because I saw that in your
12 memorandum, you are referring a lot to mental issues. I went
13 back to look. Now, I can't say for sure that something --
14 without getting transcripts of every hearing; but, as far as
15 I know, despite having very experienced attorneys who are
16 strong advocates for any -- whatever they can do within the
17 bounds, there was never an issue raised about mental capacity
18 until after the jury verdict and until after you had come in.
19 I'm not saying that it isn't there. I realize you decided
20 there was an issue.

21 MR. SHAVER: Chuck Aaron filed a motion.

22 THE COURT: But in terms of --

23 MR. SHAVER: Chuck Aaron filed the first motion
24 because he thought he was incapable of going to trial.
25 That's the first time Dr. Dinwiddie --

1 THE COURT: I missed that going through it
2 yesterday.

3 MR. SHAVER: That's the first time Dr. Dinwiddie
4 approached him. I followed up and hired Dr. Dinwiddie
5 because I thought he had a history with Mr. Carson and it
6 would aid in his evaluation of him and submitting a memo that
7 might be --

8 THE COURT: All right. Well, at this rate, there
9 hasn't been any issue other than when he stops taking his
10 medication of his capabilities. And so it's a question of
11 exactly as you arguing it I think in your memorandum; that
12 whether I should take some history into account in terms of
13 his sentence.

14 MS. LEVIN: And, Judge, I can speak to the
15 appellate issue, not wanting the case to come back to you in
16 terms of the procedural posture and where we are.

17 THE COURT: Yeah, I mean, the alternative is that
18 I -- well, there are three alternatives. I put it off a
19 month and I appoint -- I don't know if they would even let me
20 just appoint somebody that was handpicked. Usually they
21 don't. Or I give him a chance to hire her and give her one
22 month and continue this one month and have the sentencing or
23 go ahead today.

24 MS. LEVIN: Right. So I think -- and obviously
25 your Honor read our objection to continuing the sentencing.

1 And, in there, we cite numerous cases by the Seventh Circuit
2 which say that, if somebody has had numerous attorneys and,
3 like the defendant, is going to be on their fifth or is on
4 their fourth, it is not an abuse of discretion to deny a
5 continuance for a trial when they come the day of trial and
6 then they have to represent themselves. So there is -- I
7 think that your Honor has made a strong record in terms of
8 constantly giving the defendant an attorney every time he has
9 had a problem with one; appointing multiple attorneys for his
10 trial. This Court has bent over backwards to accommodate the
11 defendant with respect to the medical examinations; making
12 sure he is on his medicine, his thyroid medicine. It has
13 been, if you look back at the docket, one thing after another
14 after another that has delayed this for over -- for almost
15 two years, Judge. And the truth of the matter is, these
16 additional details he didn't -- the defendant didn't tell
17 these additional details to probation when he was interviewed
18 for the PSR. The defendant has never mentioned these
19 additional details prior to coming today. He had every
20 opportunity to do so. And it's -- it's on the -- when you
21 deny the motion for continuance, now the defendant is coming
22 in when we have our victims here who are, as the Court said
23 last time, entitled to have justice and to move forward with
24 this sentencing and entitled to have closure in this case.

25 It's the same story every time, Judge. And the

1 defendant will have an opportunity to address the Court. And
2 the defendant can communicate those details to the Court here
3 today. And it's the government's position that we should
4 move forward with this.

5 MR. SHAVER: Judge, my --

6 MS. LEVIN: He can go -- sorry. Either the
7 defendant can proceed pro se, or with Mr. Shaver.

8 THE DEFENDANT: First off, your Honor, I'd like to
9 say she is speculating what I didn't tell the probation
10 officer. That's pure speculation. She wasn't there. That's
11 not personal knowledge. I told the probation -- there is a
12 lot of things I told the probation officer. The probation
13 officer did not put it in -- there is a lot of things I told
14 the probation officer. He did not put it in his report. And
15 Shaver said that's what the memorandum is for. We'll, I'll
16 put it in your sentence memorandum. It's a lot of things to
17 probation. I even got it highlighted, wrote it on the side.
18 It's even things that the probation wrote down wrong or mixed
19 up, like -- like -- like that my father and mom separated
20 when my father was 60 something years old and my father went
21 to a nursing home. That's not what I told the probation
22 officer. It's an art to listening. And everybody is not
23 good at listening to me because of my speech impediment.
24 Some get annoyed, as you seen through trial how -- how the
25 FBI agent mocked my speech impediment. And Elaine (sic.)

1 Domph had to ask him, was he mocking me, you know. Some
2 people get annoyed and intolerant of my speech impediment, my
3 stuttering, and so forth, and stop listening. When you're
4 not listening, you miss a lot of information. That probation
5 officer mixed up information, got -- wrote things down wrong
6 and left out a lot of things.

7 I have been, since my arrest, I've been begging for
8 my right medication from McHenry County to Kankakee to MCC,
9 back to Kankakee. Even at one time Charles Aron said that
10 the government came down to Kankakee and Kankakee told them
11 that my medical condition is fine, that I don't suppose to be
12 on mental health medication. I was forced to go to trial
13 without even being on -- on -- on my medication. When
14 Dr. Dinwiddie clearly put in his report that we recommend
15 before trial that he be medicated on his proper medication or
16 he might not be able to participate in his own defense
17 properly.

18 THE COURT: Stop. Is any of that true?

19 MS. LEVIN: No.

20 THE COURT: Correct it. I need to know that the
21 record is correct and make sure there is no issue.

22 MS. LEVIN: Yes. So, for the record, Judge, AUSA
23 Bhachu stood in for me one day. And the defendant was making
24 complaints about his medical treatment he was receiving from
25 Kankakee. He said that he wasn't being given his medicine,

1 he wasn't being visited. There was a follow-up; and the
2 government obtained the medical records, submitted a letter
3 to this Court, attaching the medical records, showing that he
4 was receiving his medication and that he was being seen,
5 contrary to the defendant's claims. Dr. Dinwiddie's report
6 was attached to I believe the defendant's sentencing
7 memorandum.

8 THE COURT: This -- I mean, this happened -- but
9 right now he is saying before trial, that's my concern. This
10 was after trial.

11 MS. LEVIN: There was --

12 THE DEFENDANT: I have the documents to back it up,
13 your Honor. If you want to pass it for a day, I could bring
14 the documents tomorrow and back up what I'm saying is true,
15 your Honor.

16 MS. LEVIN: Judge, this did happen before trial.
17 There was an evaluation done of the defendant before trial.

18 THE COURT: Okay.

19 MS. LEVIN: In that evaluation, Dr. Dinwiddie found
20 him competent to stand trial. He found, unequivocally, that
21 he was competent to stand trial. He had depressive disorder.

22 THE COURT: Was this after this case was
23 transferred to me?

24 THE DEFENDANT: Yes.

25 MS. LEVIN: Give me one moment, Judge.

1 THE DEFENDANT: Yes. Yes, your Honor, it was after
2 the case was transferred to you. I was competent to stand --

3 THE COURT: All right. Just a minute. I mean, I
4 know we had the issue in the last few months.

5 THE DEFENDANT: I was competent to stand trial. I
6 had thyroid issues going on that's been going on for years
7 that affects my whole chemical balance and my way of thinking
8 and -- and it controls everything that people don't even
9 realize control that -- I didn't have surgery until the two
10 months before trial and I didn't get on my medication after
11 trial, which, in that evaluation, they stated that both of
12 these needed to be taken care of before trial.

13 MS. LEVIN: Judge, the prior -- this case was
14 before your Honor. The evaluation was done per
15 Dr. Dinwiddie's report on September 24, 2012. That was
16 approximately three months before this case went to trial.

17 THE COURT: Okay. You're right. I granted a
18 motion for a psychiatric evaluation and it came back that he
19 was -- he was competent.

20 MS. LEVIN: Correct.

21 THE COURT: And was there any issue raised about --

22 THE DEFENDANT: It's two parts of the competency.

23 THE COURT: I at some point had him transferred;
24 right?

25 MS. LEVIN: Yes, Judge, and that was later on. So

1 the case proceeded to trial, he was convicted, and he
2 remained at Kankakee County Jail. After -- and I -- I
3 hesitate to say the exact amount of time, but I believe it
4 was about a year after he was convicted the defendant was
5 making additional claims that he was not receiving his
6 medication and was not being seen by the doctors. Mr. Shaver
7 filed a motion to continue the sentencing, an emergency
8 motion saying that he needed to get this medical treatment.
9 The government and defense counsel worked out an agreement
10 and presented it to the Court that --

11 THE COURT: I remember granting that.

12 THE DEFENDANT: Your Honor?

13 THE COURT: And I certainly wouldn't have gone
14 ahead with the trial if there had been any issue whatsoever.

15 MS. LEVIN: There was no issue, Judge.

16 THE DEFENDANT: Your Honor, inside that evaluation,
17 if you'll allow me to bring it tomorrow, if you want to pass
18 this until tomorrow, it shows two parts of -- of the
19 competency. One part that you understand the role of the
20 court and -- and the proceedings. The other part is your
21 mental health competency. And they stated in there, due to
22 my hyper -- hyperthyroid and my psychotropic meds, not being
23 on it, that they feel if I'm not medicated and I don't have
24 my thyroid dealt with before trial, I will not be able to
25 stand -- participate in my own defense properly. To --

1 and -- and some -- in that way. You know, not quote, but
2 that's what it summed up to. And I had the documents to
3 prove it. And this wasn't something that I created to --
4 to -- as a stall tactic, as she keeps on arguing. This is
5 something that has been a life-long situation for me, a
6 life-long situation, you know, where, you know, times I'm not
7 on my medication, right, dealing with drug issues, and stuff.
8 I mean, I started at Kankakee where I got burn marks all over
9 my back from being taised and tortured by the police where
10 I'm cutting and bleeding myself, right there to die, than go
11 through -- who does that? Who cuts on themself and just
12 fills up juice cups of blood trying to, okay, how long is it
13 going to take to get to 15 pints so I can die? Who does
14 that?

15 MS. LEVIN: Judge, I have a copy of the report, if
16 your Honor --

17 THE DEFENDANT: I wasn't on my proper medication.
18 And still to this day, I'm not on my proper medication. I'm
19 on medication, but it's not the medication, even in
20 Dr. Dinwiddie's own report. And not being proper medication,
21 medicated, it plays a part, too, in -- in relationships with
22 other people as far as me and my -- me and Shaver fueling, me
23 and Chuck Aron, the domestic violence in my life with women
24 that I was in relationships with. My wife, I got domestic --
25 you look at my criminal history, you see domestic violence,

1 domestic violence. I grew up to domestic violence. I grew
2 up in a house full of violence and -- and things I said I
3 don't want to live through when I grew up, I carried on
4 through relationships hurting people that I loved that I did
5 not want to hurt, but I got issues is what -- what I'm saying
6 that needs to be addressed. And -- and if -- you know, how
7 do you solve something by keep on putting a Band-Aid on it
8 instead of fixing the problem?

9 I don't got no education, but it don't take an
10 educated person to understand that much that, if you can't
11 fix -- if you can't solve it, you can't cover up something,
12 you've got to fix it. Do you understand what I'm trying to
13 say, your Honor?

14 THE COURT: I do understand it.

15 MR. SHAVER: Judge, if I may?

16 THE COURT: It does seem to me that you are able to
17 tell me in detail and articulately what -- your evaluation of
18 that evaluation, which, frankly, is only telling me that
19 there isn't any reason why we can't go ahead today. I do
20 want to know, Mr. Grooms?

21 PROBATION OFFICER: Yes, your Honor.

22 THE COURT: Is there anything that he told you that
23 you didn't put into this PSR that --

24 PROBATION OFFICER: I don't believe so, your Honor.
25 I was looking at my Form 1, the interview form we used when

1 we interview every defendant, and it pairs right up with what
2 the language that's in the pre-sentence report.

3 MR. SHAVER: Judge, I believe, right now, I think
4 my representation is untenable. He is -- the relationship is
5 totally fractured. We have no attorney-client relationship.
6 He has called into question the accuracy of what I've done,
7 the competency of what I've performed.

8 THE COURT: Well, and that will calm down. I mean,
9 I -- it seems to me that he can supplement it by saying, as
10 he now has, actually, for the last 40 minutes, but,
11 50 minutes, what he wants to add. I haven't heard anything
12 to think that he -- why I should -- what difference it would
13 make if I continued this, frankly.

14 MR. SHAVER: He has got a name of an attorney that
15 he thinks is going to represent him in a much better fashion
16 than I do.

17 MS. LEVIN: The defendant has felt that about every
18 attorney and every subsequent attorney, Judge. You're
19 absolutely right, nothing is going to change. This Court, as
20 I had mentioned, has given him opportunity after opportunity.
21 If Mr. Shaver -- if the Court does not want to have
22 Mr. Shaver represent the defendant, then the defendant can
23 represent himself.

24 THE DEFENDANT: As she said herself, that she has
25 cited cases in the Seventh Circuit why change in defendant --

1 change in attorneys at sentence, at sentence, those case laws
2 refer to at sentence. This issue arised way before sentence,
3 way before. This isn't the first time we spoke on issues
4 between us. This is not the first time. So that doesn't
5 even apply.

6 THE COURT: He wasn't appointed until after trial.
7 I mean, there are two issues. The trial is --

8 THE DEFENDANT: Yeah, but what I'm saying, the case
9 law she wanted to throw in there doesn't even apply to this,
10 you know. Because this came up before the sentence date.
11 This came up before the sentence date. She is talking about
12 people that all of a sudden, on sentence date, you know, all
13 of a sudden, on sentence date, I don't want this attorney.
14 No, this issue has been an ongoing issue, and it has been
15 brought up in this court that -- that -- that it has been an
16 issue.

17 And, like I said, there is a lot of things he
18 didn't put in. The probation officer didn't put a lot of
19 things in. He didn't say -- he is not -- he is not even
20 denying that he didn't. He said he doesn't believe so, your
21 Honor. He doesn't believe so implies doubt, that there is a
22 possibility. And I'm telling you, it's a lot of stuff he
23 left out.

24 THE COURT: Well, I'm going to give you the
25 opportunity to tell me what all he left out, and you can tell

1 me in mitigation. You clearly are capable --

2 THE DEFENDANT: Your Honor?

3 THE COURT: -- of doing this. I have no reason to
4 think that another attorney -- if another attorney was hired
5 or appointed is going to be able to do any more than has been
6 done.

7 THE DEFENDANT: Well, surely an attorney is going
8 to be able to do it better than me. I don't -- I don't know
9 the law.

10 THE COURT: No, but that's not what you think. You
11 say -- you have thought that every single attorney was not
12 doing their job.

13 THE DEFENDANT: I don't -- I don't know the law.

14 THE COURT: I know you don't. But you actually do
15 a good job of understanding --

16 THE DEFENDANT: But I understand that there is
17 steps that are -- are -- I understand, if somebody tell me
18 this paper is yours, but it's always in their possession, do
19 you understand what I'm saying? So if -- or you can have
20 water at these certain times, but at those certain times, I'm
21 being denied the water.

22 THE COURT: What have you been denied?

23 THE DEFENDANT: It's a list of things I've been
24 denied. That's all in the letter I wrote to the courts
25 before --

1 THE COURT: I told you the last time --

2 THE DEFENDANT: Before trial.

3 THE COURT: -- when I said I was not going to give
4 you another --

5 THE DEFENDANT: You know --

6 THE COURT: -- attorney that if you didn't want to
7 cooperate with him, that then you needed to be prepared.

8 THE DEFENDANT: And -- and then you -- you allowed
9 Chuck Aron to put on two more lawyers, which was just a way
10 he wanted to boost his expenses up.

11 THE COURT: Wait a minute, are you saying that I
12 should not have allowed the second and third lawyers?

13 THE DEFENDANT: You shouldn't have allowed Chuck
14 Aron to stay on, as far as I'm concerned.

15 THE COURT: Well, as I remember -- never mind. I'm
16 not going to get into that. Okay. Let's go ahead. Please
17 be seated.

18 THE DEFENDANT: Your Honor, I -- I have a right to
19 finish talking before --

20 THE COURT: You have a right to talk. You have
21 been talking out of order for the last 50 minutes.

22 THE DEFENDANT: Can you please give me two minutes,
23 please? Can you please give me two minutes? Please, your
24 Honor?

25 THE COURT: Yes, two more minutes, and then you

1 will get to talk again before I sentence and to say
2 everything that you want to say.

3 THE DEFENDANT: You said for mitigation. I
4 can't -- I can't do this sentence by myself. I can't -- if I
5 don't have an attorney, you are forcing me -- you are forcing
6 me to do my sentence thing without the due process of
7 attorney. You asked me what I'm being denied. That's what
8 I'm being denied, due -- due process says --

9 THE COURT: No, I'm expecting Mr. Shaver to make
10 whatever arguments that he can make as an officer of the
11 court and as the person who has been representing you for a
12 long time now; and then you can tell me where he is wrong.

13 THE DEFENDANT: He is telling you this relationship
14 is savage (sic), or whatever the word is. He is telling you
15 this is -- there is nothing he can do for --

16 THE COURT: Actually --

17 THE DEFENDANT: I'm telling you that he is -- I
18 feel he is trying to sabotage. We're both telling you the
19 same thing, and you are sending me to sentence with him or do
20 it yourself, do it without a lawyer. That's what you're
21 telling me.

22 THE COURT: Take a seat. Let's take two minutes.

23 MR. SHAVER: Okay. Thank you, Judge.

24 THE CLERK: All rise.

25 (Recess taken.)

1 THE CLERK: Sentencing continues, 11 CR 918, US
2 versus Carson.

3 THE COURT: All right. We're going to let the
4 government go ahead. We're going to deal with these
5 objections, and we'll let the -- those are legal issues.
6 Well, there is factual issues, too, but they're not -- and
7 then I will let the government, as standard here, go ahead
8 and present anything. I will tell you that we are going to
9 have to stop for approximately an hour anyway, if we're not
10 done -- it sounds like we won't be done -- at 12:15. I have
11 to go to a meeting. And we will see where we are and we'll
12 decide later whether we can finish this today or not.

13 So, okay. Let's deal with -- the government had
14 two objections, I believe?

15 MS. LEVIN: Yes, Judge. There were two objections
16 to the criminal history. There were two additional
17 objections. However, they don't affect the guidelines.

18 THE COURT: Right.

19 MS. LEVIN: They were just for --

20 THE COURT: On your objections, I think I agree
21 with one and don't agree with the other one. I mean, I don't
22 know if that makes a difference on the criminal history. The
23 first one, I don't know that -- I mean, I've read the case
24 she cited that seemed to overrule -- wait a minute, no, no.
25 The first one was actually just a factual thing.

1 MS. LEVIN: Yes, Judge. So our first objection was
2 to PSR Paragraph 104.

3 THE COURT: Right.

4 MS. LEVIN: It was for a May 14, 2008 conviction
5 for possession of drug paraphernalia. The actual sentence,
6 as reflected by the attached exhibits, was 62 days as opposed
7 to 31. So there should be two criminal history points for
8 that conviction.

9 THE COURT: Does anybody disagree?

10 MR. SHAVER: I don't disagree, Judge.

11 THE DEFENDANT: Excuse me, your Honor. How is this
12 supposed to work? Because he is not my attorney.

13 THE COURT: He is your attorney. At this point,
14 I'm actually asking probation -- I need to ask Mr. Grooms who
15 is behind you.

16 PROBATION OFFICER: Your Honor, I agree with the
17 government's objection.

18 THE COURT: Okay. So --

19 THE DEFENDANT: I have an objection to government's
20 objection.

21 THE COURT: Are you disagreeing that you were
22 sentenced to a term of 62 days?

23 THE DEFENDANT: I was sentenced to -- no, it was
24 62 days and I served 31 days, yes. I have no objection. I'm
25 sorry.

1 THE COURT: Okay. The next one had to do with
2 solicitation of a sexual act, which I actually think is
3 different than what he has been convicted of. So I'm
4 actually not going to give him the point for that. So I
5 don't know if that makes a difference in the criminal history
6 or not.

7 MS. LEVIN: I believe that, Judge, defense counsel
8 had an objection to the criminal history that will also
9 affect the points.

10 THE COURT: Okay. So if it -- on yours, he would
11 get to two points but no more --

12 MS. LEVIN: Correct.

13 THE COURT: -- in addition to what -- okay. Then
14 let's turn to the defendants. You definitely have some
15 objections. Let me find it.

16 MR. SHAVER: First was on the issue of the computer
17 enhancement, under the guidelines, the use of the computer.

18 THE COURT: Oh, that's what I was starting to refer
19 to.

20 MR. SHAVER: Yes.

21 THE COURT: It was actually on your objection.

22 And --

23 MR. SHAVER: I think you were referring to the
24 *McMillan* case?

25 THE COURT: Yeah.

1 MR. SHAVER: You know, I think that *Patterson* is
2 still good law. *McMillan* suggests that it's just dictum
3 because, in *Patterson*, one, the government agreed that the
4 enhancement didn't apply in that case. But, two, that the
5 actors were not the same. They say that the actors were not
6 the individuals who were participating in the offense itself.

7 THE COURT: Let me make sure we're talking about
8 the same one. You know, I'm missing something.

9 MR. SHAVER: *Patterson* is the case that says that
10 you cannot use the enhancement.

11 THE COURT: I know what *Patterson* does and I
12 know --

13 MR. SHAVER: *McMillan* is a 2015 case.

14 THE COURT: Right. That's the one in which Judge
15 Posner said --

16 MR. SHAVER: In *Patterson*, they suggested the facts
17 do not establish that there is -- that three-prong persons
18 acting.

19 THE COURT: I agree. But in the most recent case,
20 Judge Posner said that, what do you call it, the statement.

21 MS. LEVIN: The application note for --

22 THE COURT: That the note simply contradicted by
23 the language of the guideline. And the language of the
24 guideline clearly would apply here. Even if I disagreed with
25 Judge Posner, it wouldn't be up to me. But I actually think

1 he is right.

2 MR. SHAVER: Well, it is the -- it's the holding in
3 most circuits. And there is a difference between the
4 guidelines and the advisory note. Supreme Court says the
5 guideline applies, but --

6 THE COURT: Right.

7 MR. SHAVER: I don't think that *Patterson* is just
8 dictum, as Judge Posner said in that -- in that opinion.

9 THE COURT: But that isn't the issue, whether it is
10 dictum or not. The question is whether I need to go by the
11 most recent case and what he says, and I think I do. So --
12 and I think -- we can go back and look at the guideline. It
13 was --

14 MS. LEVIN: Judge, it was Guideline Section
15 2G1.3(b)(3). And, your Honor, there are two subsections.

16 THE COURT: Right.

17 MS. LEVIN: This is in reference to Subsection B,
18 as in boy.

19 THE COURT: 2G1.2?

20 MS. LEVIN: 2G1.3.

21 MR. SHAVER: Judge, the guideline section reads
22 that -- it provides if the offense involved the use of a
23 computer or interactive computer device to entice, encourage
24 or offer or solicit a person to engage in a prohibited sexual
25 conduct with a minor, increase it by two levels.

1 MS. LEVIN: Judge, I just want to make sure that
2 we're all on the same page. It's guideline Section
3 2G1.3(b)3(b).

4 THE COURT: If the offense involved a use of a
5 computer or an interactive computer service to either
6 persuade, induce, entice, coerce or facilitate the travel of
7 the minor to engage in a prohibited sexual -- in prohibited
8 sexual conduct or entice, encourage, offer or solicit a
9 person to engage in prohibited sexual conduct with a minor,
10 increase by two levels.

11 There is -- there is not really any question, I
12 don't think here, that the facts really support both parts.

13 MR. SHAVER: Yeah, it's --

14 THE COURT: The only thing was that odd note.

15 MR. SHAVER: Well, and then --

16 THE COURT: It doesn't really seem to have anything
17 to do with it. I actually think --

18 MR. SHAVER: And then *Patterson* suggested that it
19 applied to both. The Courts have taken issue with that.
20 *McMillan* suggested that it was wrong. And I think the only
21 thing I have to hang my hat on is the *Patterson* case.

22 THE COURT: Okay. Well, I think that I am
23 obligated to do what Seventh Circuit said, and I do think
24 that's what the guideline says.

25 MR. SHAVER: Okay.

1 THE COURT: Okay. Any other objections?

2 MR. SHAVER: Next is the objection -- the two-point
3 increase for an offense involve the commission of a sex act
4 or sexual conduct. I've briefed the issue. It comes down to
5 whether or not it should -- it's referring to a commercial
6 sex act versus a sexual conduct or sex act. My position is
7 that Carson did have sex with Victim 1, but it was not part
8 of the offense itself. The other offenses are not -- are
9 commercial sex acts which are covered in the other section
10 but not in the section that is appropriate in this case.

11 MS. LEVIN: Judge, under Guideline Section
12 2G1.3(b)(4)(a), if the offense involved the commission of a
13 sex act or sexual contact, then two points are added. There
14 is no requirement written into the guideline language, no
15 guideline application note that says that the act at issue
16 has to be a commercial sex act. It's the government's
17 position that it does not have to be a commercial sex act.
18 However, Judge, even accepting defense counsel's argument
19 that a commercial sex act is required here, as the defendant
20 admits, he raped Victim 1. That is a non-commercial sex act.
21 As your Honor heard through the evidence at trial, it was
22 part and parcel of the instant offense; and, therefore, it's
23 the government's position that two points are applied under
24 this guideline.

25 THE COURT: How do you respond to the latter part?

1 MR. SHAVER: The commercial sex act, it's subsumed
2 in the -- on the offense that he has been convicted of, 1591
3 makes it part that used to cause a person to engage in a
4 commercial sex act. That is the offense in this case, a
5 violation of 1591. The -- I won't say rape, but, say, having
6 sex with the minor who was in the case but was not a
7 commercial sex act, then, is a separate act in itself and it
8 is not part of the offense of conduct. The offense of
9 conduct is encouraging her to engage in commercial sex acts.

10 THE COURT: Well, the rape was part and parcel of
11 it because it was part of the coercion to engage in
12 commercial sex acts. So just on that ground alone, I think
13 that the two levels apply. I know you -- you have some
14 arguments about double counting, but those have been rejected
15 at this point by the courts.

16 MR. SHAVER: They have, Judge.

17 THE DEFENDANT: I'm sorry, your Honor, could you
18 repeat what you said again, before you said, so you agree?
19 Could you -- I didn't catch what you said. You said
20 something coercion, but you said something before coercion.

21 THE COURT: Raping Victim A was, as the testimony
22 at trial showed, part of the coercion to make her engage in
23 prostitution. Okay. Go on.

24 MR. SHAVER: Next objection. We are objecting to
25 the two-point increase to Carson's offense level in Counts 2

1 and 4 because the victims were, in those counts, were found
2 to be vulnerable victims. We've briefed the issue. The PSR
3 says, because of the physical and mental conditions of the
4 victims, Nahrin Lassar, Jessica Sicora and Veronica Del
5 Valle, that they were particularly susceptible to Carson's
6 criminal conduct. You know, they have to be an atypical
7 victim. And our argument is that they are, regrettably, it's
8 very sad, but they're typical victims of the type of crime
9 that's involved here, which is prostitution. They are not --
10 there is no question about their intelligence. There is no
11 question about their physical meekness. No question about
12 their mental condition. All the condition was suggesting
13 that because they were using drugs, which they had always
14 used in the past, that they were particularly susceptible to
15 his criminal conduct. We don't think, although they are
16 victims in this case, they are atypical victims such that
17 there should be a two-point increase in the offense level.

18 MS. LEVIN: Judge, it's the government's position
19 that these three victims did have vulnerabilities that
20 warrant this enhancement. They were, as the evidence was
21 presented at trial, they were severely addicted to heroin.
22 They had no job. They had no home. They had no families
23 that were looking after them and caring about them. They
24 were in desperate need of money. They were in desperate need
25 of shelter. They were in desperate need of love and

1 affection. And it wasn't just the fact that they were
2 vulnerable victims, it was these precise vulnerabilities that
3 made the defendant choose these victims and choose to target
4 them. This is the precise type of victim that the guideline
5 is trying to protect here. These are not savvy women who
6 were taken advantage of here. These were women who were
7 crying out for help. And it was those specific
8 vulnerabilities that caused the defendant to prey on them.

9 THE COURT: I agree. All right. There is an
10 objection to the five-point increase.

11 MR. SHAVER: Pattern of sexual --

12 THE COURT: The pattern of sexual conduct. As I
13 understand it, the pattern of sexual conduct to which
14 probation and the government are saying five points should
15 apply to is because really we had -- well, I mean, at trial
16 we had five, actually, I think, people testify about the same
17 kind of conduct. It seems to me, if that's the legal
18 definition of a pattern, which I would assume it was, that it
19 clearly applies here.

20 MR. SHAVER: The definition is two or more
21 instances. It establishes a pattern.

22 THE COURT: Are you saying it has to be two --
23 well, it doesn't make any difference whether it's two or more
24 involving the same person or two or more people.

25 MR. SHAVER: Well, no, it's not two or more people,

1 it's just those are sexual -- separate instances of sexual
2 conduct. But I think we lose sight of the fact of what this
3 statute was designed to combat. And it's to combat
4 recidivist offenders. People who have in the past have done
5 things that hurt people and they are doing it again. And
6 maybe again. In this case, it's all the conduct and all of
7 the pattern conduct is encompassed in this case. This case
8 has been prosecuted. He has been convicted of those crimes.
9 The guideline levels are affixed by what he was convicted of.
10 And we think this is not applicable to him because there
11 are -- there are no prior cases that they can point to that
12 say that that is a pattern that he has built on in the
13 present conduct.

14 MS. LEVIN: Judge, may I respond?

15 THE COURT: Yes, please.

16 MS. LEVIN: Judge, this guideline punishes activity
17 when there is a pattern of prohibited sexual conduct where a
18 defendant, on at least two separate occasions, engaged in
19 prohibited sexual conduct, here, sex trafficking with a
20 minor. Now, Victim 1 was a minor in this case. We know from
21 the testimony from Victim 1 and from Chris Richardson that
22 the defendant repeatedly trafficked her, sent her on more
23 than one prostitution date. There were more -- there was
24 more than one instance of prohibited conduct here. That
25 alone is sufficient to satisfy the guideline.

1 To the extent that defense counsel is, and I would
2 just want to address this because it's in his memorandum,
3 attempting to make a double counting argument here, the
4 defendant was convicted of his conduct with Victim 1, now
5 that conduct is being used for the five-point enhancement,
6 that -- that argument is foreclosed by United States versus
7 Von Loh 417 F 3d 710. The government cited that in its
8 response.

9 THE COURT: Yes.

10 MS. LEVIN: So it's our position, Judge, this is
11 very clearcut. The guideline is applicable based on the
12 evidence that was presented, and we believe that it should be
13 applied.

14 THE COURT: All right. I was forgetting that this
15 one was just applicable to the minor, but.

16 MR. SHAVER: It is.

17 THE COURT: But there was no question that she was
18 sent on multiple dates for prostitution by your client.

19 MR. SHAVER: And he was convicted of that and his
20 guideline level was set at that. Now we're going to increase
21 it some more based on the offense of conduct in this case.

22 THE COURT: Well, but it's not uncommon that you
23 start with a base guideline, and then it goes up, depending
24 upon what the circumstances are or what the particular
25 activity, sometimes what it involved. I mean, I don't find

1 that -- I don't find that to be contradicted by the
2 guidelines or the way that they generally are put together.
3 I find that it applies.

4 MR. SHAVER: The last Ms. Levin alluded to is our
5 miscounting of criminal history points. They assessed two
6 criminal history points based on a conviction for pandering
7 in 2008. McKenzie was discharged on October 2nd, 2009, in
8 that case. The offense of conduct in this case by the dates
9 of the indictment is November 2009, the earliest,
10 November 2009 to March 2010, which is after the point of
11 conviction on that prior case. This case shouldn't apply
12 because it wasn't within the --

13 THE COURT: Oh, I missed that.

14 MS. LEVIN: I can short-circuit this, Judge. The
15 government is not going to oppose that objection.

16 THE COURT: Okay. All right. So that reduces the
17 two points that I had added. So we'll get in the same place;
18 right?

19 MS. LEVIN: Yes, Judge, we are going to end up
20 being exactly the same place. It is going to be -- I will
21 tell you in one moment.

22 THE COURT: It's a 43, three?

23 MS. LEVIN: Yes, Judge.

24 THE COURT: Or it's still a three?

25 MS. LEVIN: So the revised criminal history points,

1 given your Honor's ruling, are six. And that puts the
2 defendant at a Criminal History Category III, which is what
3 the PSR calculated him at. And the guideline range is 49. I
4 mean, excuse me, the guideline Offense Level is 49, but it's
5 capped at 43. So, therefore, we do have exactly what we have
6 in the PSR, which is a total Offense Level of 43, a Criminal
7 History Category of III, which results in the same guideline
8 range, which is natural life in prison.

9 THE COURT: Did I miss something?

10 PROBATION OFFICER: Well, your Honor, everything is
11 the same except, instead of six points, it's five points, is
12 what my math is coming to.

13 THE COURT: I'm sorry, I'm having trouble hearing
14 you.

15 PROBATION OFFICER: The total criminal history
16 points is five and not six, so the prosecutor just said. But
17 the category is the same. So five points total, not six.

18 MS. LEVIN: Can you just give me one moment to --

19 THE COURT: Yes.

20 MS. LEVIN: That's right, Judge. That's fine.
21 Thank you.

22 THE COURT: Okay. All right. I'll let the
23 government argue.

24 MS. LEVIN: Judge, we have two victims here that
25 would like to address the Court. I know that your Honor

1 wants to take a break in 15 minutes. Would you like to hear
2 from the victims before we --

3 THE COURT: Let's try to.

4 MS. LEVIN: Okay. So, Judge, if I may ask Jessica
5 to come address the Court first.

6 THE COURT: Okay.

7 MS. SICORA: Good afternoon. I was approximately
8 21 years old when I first met Casino. I was going through a
9 divorce and was addicted to heroin and crack. At that time,
10 my addiction was stronger than my will to stop using drugs.
11 I wanted to stop, but my mind would not allow me. Casino
12 promised to keep me safe. He promised that he would not rape
13 me or beat me, and he promised that he would provide me food,
14 clothes, drugs and a safe place to stay. When you are an
15 addict, all you care about is getting high. To be able to
16 wake up with food, clothes, and the drugs sounded like
17 someone actually cared about me. So Casino and I made a
18 deal. I would try it out for three days. And at the end of
19 three days I would be able to leave if I wanted.

20 The first two-and-a-half days, Casino kept his
21 word. On the third day, things took a turn for the worse. I
22 just returned from a four-hour date and was tired and Casino
23 wanted me to go out again. When I told him I had enough and
24 wanted to go home, he punched me in the face. He hit me so
25 hard that it permanently scarred my left eye. My eye

1 immediately began to swell and bruise. I had never been hit
2 before and the pain was unbearable. He took me back to the
3 hotel and calmed me down by giving me more drugs. Still to
4 this day, the scar is visible for anyone to see. I am
5 constantly getting asked what happened to my eye --

6 THE DEFENDANT: Objection, your Honor. They're
7 saying that I permanently bruised her face and speaking on
8 medical stuff that no medical evidence has supported any of
9 these allegations.

10 THE COURT: Well, at this stage, she gets -- a
11 victim gets to make a statement. That's under the law. And
12 you will have the opportunity to contradict it.

13 And if you're saying that it's visible, I suppose I
14 can come down and see it. I can't see that far.

15 MS. LEVIN: And if you recall, Judge, at trial --

16 THE COURT: I do think that was the case, but that
17 was two years ago.

18 MS. LEVIN: It's a permanent blood vessel that's
19 broken in her eye that she can certainly show.

20 THE COURT: Is it visible?

21 MS. SICORA. Yes.

22 THE COURT: Okay.

23 THE DEFENDANT: So is there medical documents to
24 show the date of this injury?

25 THE COURT: This isn't your time to talk right now.

1 MS. SICORA: I am constantly getting asked what
2 happened in my eye and my mind races back to that day. But
3 the story I tell is not the truth, and I am constantly
4 ashamed that I have to lie. Three days turned to three
5 months of continual hell. The only thing that Casino kept
6 true was his promise to provide drugs. But Casino's gift of
7 drugs came at a high price. Casino was able to control my
8 every move by providing or withholding drugs at a moment's
9 notice. At the time, drugs were the only thing I cared about
10 and Casino knew this about me. Casino gave me drugs to work
11 and would deny me drugs if he thought I was bad or
12 disrespectful. Casino would control me by taking me to
13 hotels in areas that I had never been before. I felt
14 completely isolated. Casino would take sex from me and rape
15 me violently. I would cry and plead for him to stop, but he
16 would just beat me for being too loud. This happened often.
17 The fear of him beating me and raping me kept me paralyzed;
18 and I was unable to leave. I had no where to go. And every
19 time I thought of escaping, the fear of Casino killing me
20 would overcome my will to leave. I often fantasized about
21 escaping, but my fantasy always ended with Casino killing me.

22 I was a victim to much of Casino's abuse, but I
23 also -- but I was also made to witness the abuse that he did
24 to the other girls. I watched you violently beat and anally
25 rape other women. I will never be able to get these images

1 or their cries for you to stop out of my head. Casino, you
2 are a monster and these girls did not deserve to be treated
3 this way. I am a very forgiving person and never once did
4 you say you were sorry for all the horrible things that you
5 did to me. At the time, I'm sorry would have gone a long
6 way; but now I know you're only sorry for getting caught. I
7 don't think you are capable of truly being sorry for the harm
8 that you caused me or the other woman. I often wonder how
9 you could ignore their screams of pain or their tears and
10 pleads to stop. The only person you ever cared about was
11 yourself.

12 Now, today is your day to plead for mercy.
13 Although I am still haunted by your violence, I have done
14 many things to improve my life. I am making an honest and
15 good living, I am going to school, and I no longer do drugs;
16 but socially I still struggle. I do not trust people. I am
17 especially untrusting of males; and I fear their potential
18 abuse.

19 I still have flashbacks of some of the unsettling
20 events that took place while I was with you. Sometimes I
21 wake up in a panic, fearing that I am trapped in a hotel. I
22 often wonder when these nightmares will end. I am very happy
23 to close this chapter of my life. And seeing you get
24 sentenced will be a big part of my recovery. Thank you.

25 THE COURT: Thank you.

1 MS. LEVIN: Now, if we could have Veronica address
2 the Court.

3 THE COURT: Yes.

4 MS. DEL VALLE: Well, the day has finally come
5 where justice is being served for me and a whole lot of other
6 victims. I can bet my bottom dollar you think that you have
7 done nothing wrong. You have damaged and affected people's
8 lives you don't even know. Like my husband, for example.
9 Thanks to you and all of the torture you put me through, I
10 have night terrors when I sleep where I scream, I cry, I
11 fight, I whimper, et cetera, et cetera. I have had such
12 horrible episodes when I sleep, I've woken up to my own
13 husband in tears. The man was in straight tears because of
14 me crying and fighting and the disturbing things that I cry
15 out because of you. The man still fights my demons for me
16 still every single night. He doesn't complain, not one bit,
17 he just loathes you for scarring me the way you did.

18 I ask myself why you felt the need to hurt me so
19 badly. And that will probably be an answer I'll never know.
20 What you did to me was inhumane and what you did to everybody
21 else was inhumane. You are a very sick man and you're
22 twisted and you are a monster. Seriously, you are getting
23 off easily with prison. You really are. The only thing and
24 the only hope for you is God, and lots of him. I will one
25 day forgive you, but I haven't quite gotten there yet. I'll

1 tell you what, I'll pray for you. Someone needs to. Thank
2 you.

3 THE COURT: Okay.

4 MS. LEVIN: Judge, may I have one moment?

5 THE COURT: Yes.

6 MS. LEVIN: The government doesn't have any other
7 additional victims that are going to address the Court. My
8 presentation will likely take more than 15 minutes. Would
9 you like to break and have us come back and begin again when
10 the Court is --

11 THE COURT: Okay. If you want to do that, we'll
12 come back at 1:15.

13 THE CLERK: All rise.

14 MS. LEVIN: Thank you, Judge.

15 THE CLERK: This court is in recess.

16 (Recess taken at 12:03 PM. Resumed at 1:22 PM.)

17 THE CLERK: 11 CR 918, USA versus Carson,
18 sentencing hearing continued.

19 MS. LEVIN: I apologize I was late, Judge. Jennie
20 Levin on behalf of the United States.

21 MR. SHAVER: William Shaver on behalf of McKenzie
22 Carson.

23 THE COURT: Good afternoon. All right, everybody,
24 let's go ahead.

25 MS. LEVIN: Yes, Judge. As your Honor has already

1 found, the guideline range here is natural life in prison.
2 This type of case is not the type of case that is often or
3 normally seen in federal court. Similarly, a guideline range
4 of natural life in prison is not the typical guideline range
5 that is seen in Federal court. One of the difficult things
6 about this case, and just one, is the fact that the numbers
7 are so high. The government's position after evaluating the
8 factors in 3553(a) and the goals of sentencing is that a
9 sentence of 55 years in prison is sufficient but not greater
10 than necessary.

11 THE COURT: How does that differ from natural life?
12 He'd have to be 90 something.

13 MS. LEVIN: That's an excellent question, Judge.
14 55 years in prison is essentially a life sentence for the
15 defendant, who is 42 years old. And the government strongly
16 believes that the defendant should remain in prison for
17 55 years. It's specifically asking for a sentence and it is
18 putting a number on a sentence with the knowledge, full well,
19 that asking and receiving that sentence will put the
20 defendant in prison for the rest of his life. As for the
21 recommendation of 55 years versus life, all I can tell your
22 Honor is that there are a lot of people who weighed in on
23 this decision from my office. And the office's position is
24 that we are asking for 55 years. I can certainly tell the
25 Court that the Court is well within its -- its rights to

1 impose whatever sentence it believes is appropriate, if that
2 is natural life. I know that the victims in this case would
3 like to see the defendant imprisoned for natural life. And,
4 as probation recommended, excuse me, that is which is also
5 consistent with probation's recommendation, which is a
6 recommendation of --

7 THE COURT: I'm just wondering how your
8 recommendation was any different.

9 MS. LEVIN: And practically speaking, Judge, I
10 don't think that it is. It is just putting a number on it as
11 opposed to asking for a natural life in prison. But the
12 practical realities and the practical consequences of
13 obtaining a 55-year sentence from this Court is that the
14 defendant would spend the rest of his life in prison. And I
15 can stand here before you and tell you that for the reasons
16 I'm about to discuss with you, a sentence of 55 years in
17 prison is -- is warranted here based on all of the factors,
18 including the nature and circumstances of the offense and the
19 history and characteristics of the defendant; the incredibly
20 strong need for deterrence, specific and general. The need
21 to protect the public. All of these reasons, as I'm going to
22 lay out for you, support giving such a significant sentence.
23 And, again, Judge, the government doesn't recommend 55 years
24 or life, or what have you, lightly.

25 THE COURT: Don't spend any more time on that, on

1 the difference, because I don't see any difference, so.

2 MS. LEVIN: Right. And -- but my point is,
3 whatever you want to call it, we don't ask you for the
4 sentence lightly. We recognize the magnitude of it. We just
5 feel that this is a case, if there was a case, that deserves
6 it.

7 So turning to the nature and circumstances of the
8 offense. Obviously, as your Honor is aware, you sat through
9 the trial so you're very familiar with the facts and
10 circumstances of the case. Unfortunately the trial was
11 almost two years ago. So I'm just going to take a few
12 moments and refresh the Court with the evidence that we
13 heard.

14 The defendant, as you know, ran a sex trafficking
15 business for approximately four years, 2008 to the end of
16 2011, and targeted vulnerable women, including the victims
17 that testified at trial: Kaitlin, Veronica, Jessica, Nahrin.
18 In addition to these four named victims, you also heard from
19 Margaret. And she talked about being trafficked by the
20 defendant.

21 What you didn't hear about is that, in addition to
22 these five women that you heard from, there were
23 approximately 30 other girls that were trafficked during that
24 four-year time period; 30 other women that the defendant
25 specifically targeted because of their vulnerabilities. The

1 vulnerabilities that we've talked about at length. The fact
2 that these girls were addicted to heroin. The fact that they
3 were out on the street with no support system. They were
4 homeless. They were runaways. And what's so sick about the
5 defendant's behavior is that he would actually go to rehab
6 centers, drug rehab centers, homeless shelters to scout out
7 and find his victims. He would lurk there waiting for them,
8 preying on them.

9 After the defendant recruited his victims, you
10 heard a lot of evidence about how he treated them. And quite
11 frankly, Judge, he treated them like cattle, like they were
12 his property. And he was -- there really are no words. I
13 thought and thought about what I could say to you to describe
14 adequately and do justice to what he did to these girls. And
15 every time I thought of something, I thought that's not good
16 enough. Luckily you were able to hear it from the girls
17 themselves during their trial testimony.

18 But, you know, the defendant had a rigid set of
19 rules that he enforced. The victims couldn't talk to other
20 men. They couldn't talk back or otherwise disrespect him; if
21 they did, they would face the consequences. They couldn't
22 refuse to go on a date. They couldn't keep the money that
23 they made. They couldn't hold money on their person. They
24 couldn't keep their own cell phones. The cell phones that
25 they did have were for work. They weren't allowed to use

1 them to make personal phone calls. They weren't allowed to
2 keep their personal contacts in them. And the defendant
3 routinely checked the phones to ensure that they were
4 complying.

5 But most importantly, Judge, and what the defendant
6 made perfectly clear to all of these girls is that they were
7 not allowed to leave. They were never allowed to leave. And
8 if you broke one of the defendant's rules, then there were
9 consequences. And the consequences here were extreme. He
10 enforced his rules with psychological torture and
11 manipulation and physical torture. He would beat these girls
12 on a daily basis. He used cords, he used belts, he used his
13 fist. We saw evidence of this at trial. Jessica today
14 showed you the broken blood vessel in her eye as a result of
15 the defendant hitting her so hard because she was tired after
16 going on so many prostitution dates and didn't want to go on
17 another one. And he would rape these girls vaginally,
18 anally. The night that Jessica was beaten so badly that her
19 blood vessel broke, after that, when they went back to the
20 hotel, the defendant raped her; forced her to perform oral
21 sex on him and then vaginally raped her, as Veronica slept in
22 the next bed. And as she was crying while she was performing
23 oral sex and she was whimpering because she was being forced
24 to do this, the defendant's response was: You should be
25 quiet. I don't want to wake Veronica up. This is the type

1 of person who is before you. And it's so important for the
2 Court to be able to consider the type of person that is
3 before you when you impose a sentence.

4 The defendant's beatings and rapes were not,
5 though, just to enforce the rules. The defendant took a sick
6 pleasure in hurting these girls. It was a power thing for
7 him. So he did it to make them feel this big. To make them
8 feel worthless. And he did it to make them feel helpless and
9 like they could never leave. And it wasn't just through his
10 physical beatings and the fact that he took sex from them
11 whenever he wanted to. It was also through his verbal abuse.
12 I mean, he told them on a daily basis that they were
13 worthless, that they were nothing, that their lives didn't
14 mean anything. Nobody cared about them. Nobody is coming
15 looking for you. You know, as human beings, we can only
16 endure so much. And to be beaten and raped and also hear
17 that you're nothing repeatedly day after day, you can only
18 take so much of that. And for a young woman, for a girl who
19 is so impressionable and who has no one there looking out for
20 them, they can take probably a lot less before they break.
21 And the defendant broke these girls. And he set out to break
22 them. And he did it with pleasure. And he did it with joy.
23 And he did it without remorse. And I will touch back on this
24 in a minute, but he sits here today without remorse. He
25 tortured these girls.

1 We've talked a lot about and we've heard a lot
2 about the drug use. I just want to bring your Honor back to
3 a piece of evidence that we introduced at trial. Your Honor
4 saw that horrific video where Veronica was giving Jessica an
5 injection of heroin and the defendant was filming it. And
6 you could hear him in the background encouraging it, telling
7 her what to do. He gave these girls heroin because he wanted
8 them to be compliant. He wanted them to go on dates. He
9 wanted them to make money. And he withheld drugs from them
10 to punish them, knowing that agony, I mean, sheer agony that
11 these girls would have to go through during the withdraw.
12 Jessica stood here today and told you how terrible the
13 withdraw was and that she would do anything for drugs. It is
14 a powerful, powerful addiction. The defendant knew that, and
15 he made a choice to exploit it. And he -- he literally
16 preyed on every vulnerability that these girls had. You
17 know, sometimes we see things in life and they are so
18 horrible that we have to turn away and we can't even think
19 about it because we ask ourselves, how could someone do this.
20 You know, beating a child, beating an elderly person. It's
21 just unfathomable. And I have thought long and hard, how
22 could somebody do this to these girls because, at their core,
23 these girls were just like an elderly person or just like a
24 young person in the fact that they were helpless and
25 vulnerable. And they needed someone there to help them and

1 pick them up. And, instead, the defendant saw that and he
2 beat them down. There is something different about a person
3 who is able to do that.

4 During the testimony at trial, I'm going to go back
5 to Jessica's testimony again. We also heard about a
6 horrific, horrific rape. And we introduced a photograph of
7 the defendant raping Jessica. And you could see her in the
8 photograph. And she is screaming. And, if you recall, the
9 testimony was that the defendant raped her while there was a
10 baby in the room, another woman's baby. And the woman took a
11 photograph of this rape with her cell phone. And Jessica
12 testified that, as she was being raped and she was crying and
13 in pain and humiliated, the defendant, again, told her to
14 shut up because he didn't want her to wake the baby.

15 I bring up all these examples, Judge, because they
16 are so telling of the defendant's attitude towards women,
17 towards other human beings; and really express and shed light
18 on the type of person that he is, which I am going to come
19 back to and tie into the need to protect society and protect
20 the public from him.

21 Veronica, Kaitlin and Nahrin all testified about
22 the abuse they suffered and the beatings that they suffered
23 and the rapes. Kaitlin was on the stand, and she told you
24 she was only 17 years old. And she had moved out of her
25 house for the first time and was in need of money and got

1 introduced to the defendant. And the first time he met her
2 he brought her into a bathroom at a Motel 6 and raped her and
3 then told her he would kill her if she told anybody; and then
4 forced her to work for him. And, Veronica, she told you that
5 there was one time that she tried to get away from the
6 defendant. And the defendant was so determined not to let
7 her go that he used the GPS in her phone to find her because
8 he won't let them go. Another time, Veronica wanted to leave
9 and the defendant put a knife to her throat, threatened her,
10 threatened to kill her grandmother, threatened to kill her
11 child.

12 So there are no limits for the defendant. He will
13 go to any extreme. He will go to the darkest, ugliest place
14 to control these girls. And nothing has stopped him, until
15 he was arrested in this case. Because these girls couldn't
16 get up the courage, understandably, to be able to walk away.
17 And if they did, he came and found them and brought them
18 back; or, in Jessica's case, as she testified, used drugs as
19 a way to get her back. Jessica was in a bad place after her
20 father passed away. Carson picked her up, and he got her
21 heroin. It's constant. And it's a sick need to fulfill this
22 dominance and this power over these helpless girls.

23 One of the other things that I think is so telling
24 is the testimony about the climate of fear that the defendant
25 created. So, for the defendant, it was complete and total

1 control and dominance. That was his goal. That was what he
2 was trying to achieve here. And he did that not only by
3 torturing each individual girl, but he did it by making each
4 individual girl know that he was torturing the others. Look
5 what will happen to you if you get out of line. Look what
6 I'm doing to her. Jessica talked to you today about having
7 to be there while Nahrin was being anally raped. And Jessica
8 is a kind, wonderful girl and has such a big heart. And such
9 a big heart that she felt so guilty about going and talking
10 to Nahrin and bringing her into this -- although it was not
11 Jessica's fault -- that she switched places with Nahrin. And
12 the defendant started anally raping Jessica because Jessica
13 was trying to do the right thing and help because she
14 couldn't bear to watch Nahrin screaming and crying.

15 We also introduced at trial photographs of beaten
16 victims. There was one photograph of a rear end that had
17 been badly beaten. And the defendant showed that photograph
18 to the victims and said: This is what's going to happen to
19 you if you withhold information from me, if you hide money
20 from me. Again, it was a fear tactic, a tactic of
21 intimidation, one that worked for the defendant. While these
22 seem like -- and I don't want to use the word minor; but
23 while these pale in comparison to the types of abuse we're
24 just talking about, I mention them, and I'm going to mention
25 them, because, again, they just show the lengths the

1 defendant will go to to control his victims.

2 The defendant would only let them wear lingerie
3 while they were in the hotel rooms. And he took their shoes
4 so they couldn't leave. Again, he took their phones and
5 checked their phones. Remember Jessica testified that there
6 was one day that she wanted to leave so badly that she was
7 willing to leave naked. Literally, she started walking
8 towards the door naked. She would have rather gone outside
9 and faced people with no clothes on, strangers who she had
10 never met, which anybody would think would be just
11 unbearable; and she was willing to do that over stay with the
12 defendant. But, of course, again, just a game to him, makes
13 her take off her clothes if she wants to leave. But when she
14 actually starts to walk towards the door, he brings her back
15 inside, and he beats her.

16 You know, looking at the defendant's conduct is
17 only one part of considering the seriousness of the offense
18 here. I think talking about the harm that he has done to
19 these girls is the other part of it. And the psychological
20 and the physical harm he has caused them is going to -- and
21 I -- it saddens me to have to stand here and say this to you,
22 but it's going to last a lifetime for them.

23 And today you got to talk -- excuse me, hear from
24 Jessica and Veronica. And they both told you that they're
25 afraid. They can't sleep. They have night terrors. They

1 want the images out of their head. They won't go away. They
2 can't stop seeing what he did to them and what he did to the
3 other girls. They can't stop hearing the screams. Jessica
4 testified she can't stop hearing the screams of other girls
5 being raped. They're not as trusting. It's affecting their
6 interpersonal relationships, especially with men. The
7 physical scars, those are easy to see. But the emotional
8 ones, those are even more damaging than the physical ones
9 because those can change you. And the defendant did
10 everything he could to change these girls to make them feel
11 absolutely worthless. You know, they are going to have to
12 spend forever trying to repair and rebuild who they are. And
13 I know that they are putting a lot of hard work into it. And
14 I know that they are going to continue to put a lot of hard
15 work into it. But they're going to have to suffer for the
16 rest of their lives with the consequences of the defendant's
17 actions. And a sentence that the defendant receives from
18 this Court should similarly force the defendant to spend his
19 life also suffering from the consequences of his actions.
20 And while that will not take away the life sentence that he
21 gave to these girls, what it will do is show them that,
22 contrary to what the defendant told them day after day, their
23 lives do mean something. They are worth something. And the
24 defendant is not going to be able to get away with what he
25 did to them; and that he is going to be punished to the full

1 extent of the law. And he is not going to regain his freedom
2 to be able to do this to anybody else. It's going to show
3 them that they matter and that justice has been done here.

4 So unless the Court has any questions about the
5 nature and circumstances, I'm going to move onto the history
6 and characteristics.

7 THE COURT: Go ahead.

8 MS. LEVIN: There are a couple of characteristics
9 about the defendant that I want to highlight because I think
10 that they are important about evaluating his risk of
11 recidivism and the need to protect the public and the need
12 for deterrence here. First of all, the defendant, his
13 behavior has demonstrated that he has a real belief that
14 women are to be controlled and that they are worthless. It's
15 an ingrained belief, and he has acted consistently with that
16 belief, not only in the fact that he literally sold these
17 victims like they were merchandise and made money off of
18 them. You know, he took sex from them whenever he wanted to,
19 like they didn't have a say, like they weren't even human
20 beings. When we searched the defendant's computer and we
21 introduced these photos at trial, there were two particularly
22 disturbing photographs. We attached them to our sentencing
23 memo. One was of a woman who had a piece of tape over her
24 mouth and it said: Tape. Shutting bitches up since 1926.
25 And the second one was of a girl who was badly beaten. And

1 you could see the bruise on her eye. And it said: This
2 bitch didn't know when to shut up to you. Again, telling of
3 the defendant's attitude. And that attitude makes him a
4 threat to our girls and our young women and our society.

5 The defendant's behavior has also demonstrated a
6 lack of respect for the law. He has repeatedly lied to law
7 enforcement about his sex trafficking activities. And you
8 heard testimony from the victims as well, that he instructed
9 them to lie. If they were arrested or if they were stopped,
10 they were not supposed to say they had a pimp. They were not
11 supposed to tell them what was going on, that they were being
12 abused, they were being beaten. The defendant's criminal
13 history shows that he has 14 previous convictions and 21
14 previous arrests. And as we pointed out in our sentencing
15 memorandum, this Court has seen far worse criminal histories,
16 including much more serious offenses. That being said,
17 Judge, taken as a whole and viewing all of these facts
18 together, his constant refusal to obey the law demonstrates
19 his lack of respect and his attitude towards the fact that
20 there are laws, there are rules that he has to obey and he
21 has to follow. And, further, it's the government's position
22 that the criminal history really doesn't reflect his violent,
23 criminal behavior. Because, again, it doesn't document the
24 fact that he was trafficking all these girls for four years.
25 And it also doesn't document the fact that he is a rapist.

1 The defendant's behavior has also shown that he is
2 smart and he is manipulative. The defendant talks a lot
3 about his sixth grade education. And that may be. But his
4 behavior both out on the street as part of this case and in
5 this courtroom has shown that he is anything but stupid. He
6 has a keen understanding for the legal proceedings that are
7 going on. He understands his rights. He has articulated
8 them to the Court. His words have shown that he is skilled
9 at playing a part. He knows when to act like he doesn't
10 understand what's going on, and then he can turn it off and
11 he can show the Court that he is fully aware of everything
12 and can, you know, cite case law and talk about -- today he
13 knew, oh, I served 31 days, but, yes, I was sentenced to
14 62 days. He knows this stuff inside and out. And he
15 understands it. And he -- in his method of recruitment, we
16 can also see how manipulative and smart and savvy he was
17 because, each girl, he would recruit them differently.

18 So, Kaitlin, she talked about how he promised her,
19 you could be a model and the fame and the money. And that's
20 how he lured her in. And then it turned to violence, of
21 course, and went down the same path. And with Jessica,
22 Veronica and Nahrin, it was controlling them with the drugs
23 and the physical abuse and the beatings. The defendant is a
24 chameleon. And he knows how to get what he wants. And he
25 knows his audience. And he knows how to temper his behavior

1 and his personality to that audience. And that makes him
2 very dangerous.

3 I think one of the most telling things about the
4 defendant is the fact that he has no remorse for what he has
5 done. And I touched on this earlier. The defendant has an
6 excuse for everything. Nothing is his fault, ever his fault.
7 His post-arrest interview, we attached this to our sentencing
8 memorandum. There were numerous examples that we cited in
9 the sentencing memorandum from that post-arrest interview
10 where the defendant was confronted with prostituting these
11 girls, taking their money. His point of view: I was helping
12 them. They had trouble holding onto their money, so I was
13 helping them. I'm just addicted to heroin-using girls. Poor
14 me. And, even today, while the defendant was talking to your
15 Honor, he continuously expressed that, you know, he hasn't
16 done anything wrong. He is the victim. He said: I'm the
17 one who is suffering every day. It's like the world is
18 against me. I don't want to have to live in fear every day
19 that I might get a life sentence. It's always about him.
20 And his refusal to accept responsibility for what he has done
21 wrong makes him very dangerous if he gets out because he
22 either doesn't -- he really doesn't see that what he has done
23 is horrific and in violation of the law, and that makes him a
24 danger; or he just refuses to accept it. And that makes him
25 a danger, a danger of not stopping.

1 Which brings me to the deterrence. Specific
2 deterrence is really important here, Judge, as is general
3 deterrence. Specific deterrence and the need to protect the
4 public, we've talked about how the law is not a barrier to
5 this defendant. He was convicted in 2008 of pandering,
6 continued to engage in sex trafficking. Again, in 2011,
7 convicted of pandering, continued to engage in sex
8 trafficking. Numerous, numerous interactions with law
9 enforcement. None of that stopped him. Human intervention
10 has not been a barrier. Kaitlin's mother filed a missing
11 person report, tried to get law enforcement involved. That
12 didn't stop him from trafficking Kaitlin. Veronica runs
13 away, tries to hide her phone when she realizes that he is
14 using the GPS to track her; and he still doesn't give up.

15 And what's particularly frightening here, Judge, is
16 that the defendant's role as a sex trafficker does not
17 require heavy lifting. It requires a skill set. And he has
18 it, in spades. It requires being able to be smart and
19 manipulative. So if he gets out when he is 70, 75, he can go
20 right back into this life. This is something that he, by his
21 own admission, has admitted he is addicted to. He is
22 addicted to these girls. He is addicted to, you know,
23 spending time with them and helping them, in his own words.
24 His age is not going to slow him down.

25 As far as general deterrence, Judge, as I'm sure

1 this Court is aware, there is a culture of sex trafficking
2 out there. And it is -- you know, this -- these cases don't
3 come around that often. And when they do, they do receive
4 public attention. And I'm sure as the Court was aware when
5 this case was going to trial and when there was a verdict on
6 this case, it received public attention. And this Court's
7 sentence is going to receive public attention. And a message
8 needs to be sent to people who do this type of activity that
9 it will not be tolerated; that, if you do this in the
10 Northern District of Illinois, you are going to prison for
11 decades. And a message also needs to be sent because these
12 cases are so hard to prosecute, Judge. And one of the
13 reasons they're so hard to prosecute is because it is very
14 hard to find victims who have the -- who are willing and have
15 the courage and the strength to be able to come forward and
16 testify against the person who is trafficking them. Both
17 because the trafficker tells them not to and has so much
18 control over them; and also because I think the victims feel
19 like people don't view them as victims. You know, looking at
20 them, people think, oh, they used drugs, they were out there
21 prostituting themselves. But that is not the picture at all.
22 And I think your Honor has been able to see firsthand by
23 presiding over this trial that that is not the picture. And
24 when they're met with that type of reception or, you know,
25 response, it's very hard to come forward when people don't

1 support you and don't view you as the victim that you are.
2 But a sentence of 55 years in prison here will make a loud
3 statement that these are victims and they can come forward;
4 and they can trust in the legal process; and they can trust
5 in the system; and they will get the justice that they
6 deserve.

7 And finally, Judge, I will touch briefly on
8 sentencing disparity. We talked about this in our sentencing
9 memo. The Court is obviously free to impose whatever
10 sentence it feels is appropriate after it starts by looking
11 at the guideline range, which is life here. The penalties
12 for these cases, 15 year mandatory minimum, life sentence for
13 advisory guidelines, are very severe, but they reflect
14 Congress' intent and the sentencing commission's intent to
15 punish these crimes harshly. And we cited numerous cases in
16 our sentencing memorandum in this district where other
17 defendants similarly situated who have gone to trial and have
18 used violence and rape and drugs and verbal and psychological
19 abuse have received the type of sentence that we are asking
20 for here. It is not out of line with previous cases.

21 So based on all of these factors, Judge, the
22 government respectfully requests that a sentence of 55 years
23 in prison will serve the goals of sentencing, punish the
24 defendant for his behavior and send a message that this crime
25 is taken seriously and it won't be tolerated. Thank you.

1 THE COURT: Thank you. Mr. Shaver?

2 MR. SHAVER: 55 years in prison. 55 years. And
3 the government says they want him to suffer for those
4 55 years. That's what the government is asking for. Your
5 Honor says that's a life sentence, and it basically is. If
6 he serves 85 percent of the sentence, that's eight years off.
7 It will be 47 years. Four years already served is down to
8 43 years. That's 86-years-old when he walks out of prison.
9 Is that a just sentence in this case? Is it sufficient but
10 no greater than necessary to serve the interest of justice?
11 I think that it's much greater than necessary.

12 We've heard from the government about the heinous
13 nature of the crimes committed by Mr. Carson. The government
14 alluded to 30 women who he has prostituted over the years.
15 We're dealing with five women here, the four women charged
16 and with the one other woman, as relevant conduct. That is
17 in no way to suggest that crime isn't serious. They've
18 labeled Mr. Carson a predator, prone to violence, a
19 chameleon, a cold and calculating liar who has
20 psychologically and physical hurt his victims in this case.
21 They say he should never get out of prison, it's a sure thing
22 he will begin sex trafficking again. We've got to protect
23 the community. Send a message. I used to be a prosecutor in
24 this building. I sent a message all the time.

25 Let's talk about the case and what happened in this

1 case. One, and I'll explain this later on, that, you know,
2 McKenzie Carson is a troubled soul. He suffers from mental
3 illness. And to say that he took pleasure, joy, in
4 administering pain, I think that's beyond the realm. He
5 committed serious crimes and he should pay for those crimes.
6 But sentencing him to 50 years in prison is just too much.
7 Counsel alluded to sentencing disparities, similarly situated
8 defendants. And one of the cases they cited themselves,
9 United States vs. Sawyer, which Judge Kocoras handled, he
10 gave Dequan Sawyer a 50-year sentence. But that was a
11 different case entirely. That 50-year sentence was for a
12 much longer period. He was charged with trafficking over ten
13 minor victims. One of them was only ten years old. That is
14 a much different case than this case. Not to denigrate the
15 seriousness of this case, but a much different case. And
16 Judge Kocoras gave 50 years in that case.

17 We cited the Misher case, which Judge Leinenweber
18 had. Only two victims, and he pled guilty. But he was
19 facing life in jail by the guidelines, the advisory
20 guidelines. And Judge Leinenweber gave him ten years. There
21 is a disparity that exists, even in this district. It
22 shouldn't, but it does.

23 So what are we going to do about that? How long
24 should his sentence actually be? What is different about
25 this case, different than what was happening in the Sawyer

1 case? Well, we look to the defendant and the personal
2 characteristics of the defendant, which nobody has talked to
3 to this point. The things that differentiate him from the
4 average defendant in this type of case. The things we must
5 consider in sentencing him.

6 What's different about this case? Well, I alluded
7 to it. Mental illness. McKenzie Carson's life has been
8 indelibly marked by mental illness, Bipolar I disorder. He
9 has suffered from this debilitating disease continually for
10 his entire life and it has left him psychologically in an
11 almost constant state of confusion, despair and impaired
12 judgment, leaving him feeling hopeless and frequently
13 contemplating suicide.

14 Before I discuss the mental illness he is suffering
15 from, suffered from then, suffered from now, we should look
16 at his life. He has had a horrible life. His home life,
17 broken from the start. Carson's father was a chronic
18 alcoholic. McKenzie remembered a memory he had with his
19 father was sharing a beer with him when he was only 12 years
20 old. When he left, he was replaced by a stepfather and that
21 stepfather mercilessly beat McKenzie and his siblings with a
22 two-by-four. During the course of those beatings, his mother
23 became involved; and she became physically abusive as well.
24 He didn't have a proper education. He had learning
25 difficulties. He had some learning disabilities since

1 kindergarten. Serious speech impediments, writing
2 difficulties. His teachers knew about it, but, you know, he
3 was never formally diagnosed and never received care. He
4 didn't last long in jail or in prison. Got in a fight in
5 high school. And when they kicked him out, he never went
6 back.

7 Over the years, he has worked numerous jobs, but he
8 never could hold a job. He was constantly depressed,
9 constantly using drugs, liquor. Would get fired or walk away
10 from the job. He did everything he could to make ends meet.
11 And McKenzie was a heavy substance abuser, basically from the
12 time he was 12 years old. First liquor. Then he used
13 marijuana from the early teen years through his adult life.
14 Then smoking cocaine, snorting cocaine, snorting heroin,
15 sometimes using the substances almost daily. He sought
16 substance abuse programs, many of them: Branden House,
17 Haymarket House, South Suburban, Weiss Hospital, Linden Oaks
18 Hospital, trying to get a handle on his problem. But
19 nothing. Nothing stuck. He had a couple brief periods of
20 sobriety, but he was feeling this constant anger, confusion,
21 depression, and he slipped back into the use of drugs again.

22 The personal background of McKenzie Carson was
23 harrowing enough. We've heard it many times in this
24 courthouse, but it was harrowing enough. But add to this his
25 bipolar disease. We now know that McKenzie Carson suffers

1 from Bipolar I disorder, which he has suffered from most
2 likely since his adolescence. He was always depressed, the
3 records show. During his pre-teen years, he began having
4 thoughts of suicide. And at 14, he tried to kill himself,
5 swallowing a bunch of pills. In the following years, there
6 were constant thoughts of suicide and multiple suicide
7 attempts, often followed by short periods of hospitalization.
8 But the hospitalization wasn't continuous. He didn't
9 follow-up on his treatment and he would fall into line again
10 of depression, growing disgruntlement, confusion. And the
11 cycle continued. Even during this period he was using
12 cocaine, heroin on a daily basis. And that only exacerbated
13 the way he was feeling. Over the years, when the depression
14 overwhelmed, he sought help for that. He sought mental
15 health at Evanston Hospital, at Reed Mental Health, at Elgin,
16 at Good Sam, at Linden Oaks Hospital. And we have the Linden
17 Oaks hospital records. In fact, he was first diagnosed as
18 bipolar at Linden Oaks in 2008. He got -- he got treatment
19 during that period. The records show he was feeling better.
20 But when he left outpatient, he didn't follow up on that.

21 Dr. Stephen Dinwiddie examined McKenzie. He said,
22 definitely, he has got Bipolar I disorder. And he
23 recommended a treatment: Stabilizing agent, like lithium
24 carbonate, combined with an anti-psychotic agent. To this
25 day, he is not receiving that medication. The MCC thinks

1 that he just has depression. So they gave him
2 antidepressants, which exacerbate his condition. And
3 Bipolar I disorder is a serious mental condition. Less than
4 one percent of the population has it. We hear about it all
5 the time on the news, on television shows. But only a small
6 percent, one percent of the people, have it. But of those
7 people, they are 15 more times more likely to commit suicide
8 than the general population. And estimates by experts
9 suggest that a quarter of all suicides are bipolar related.
10 The disease generally arises in a patient's early teens and
11 20s and is characterized by manic episodes and then followed
12 by major deep depressive periods. When the bipolar episode
13 hits, the patient becomes extremely aggravated, more given to
14 mood swings, more impulsive, maybe more violent. They
15 exhibit poor judgment and lack of insight and their behavior
16 becomes antisocial. Their mood disturbances are sufficiently
17 severe to cause a marked impairment in social and general
18 occupational functioning. And, finally, from a suffering
19 standpoint, there is a circularity in the condition. You
20 know, once a manic episode starts, it's going to happen
21 again. And to end the manic episode, they go into deep
22 depression. They're in depression, and then the manic
23 episode hits. And it's a cycle. And it's over and over
24 again. A high, aggravated, confused, followed by deep
25 depression and thoughts of suicide. It must be a horrible

1 situation.

2 McKenzie Carson wasn't just sad or depressed over
3 the years; wasn't just sad or depressed over the fact that he
4 is facing now, in this criminal case, a long period of
5 incarceration. He suffers from a serious and debilitating
6 mental illness. And the manic episodes probably occurred
7 when he was 13 years old, that first one, when he tried to
8 commit suicide, followed by deep depression. And the cycle
9 continued ever since. He was certainly suffering from
10 Bipolar I disorder at the time he committed the offenses in
11 this case. He certainly had periods of high manic state. He
12 certainly had periods of deep, deep depression.

13 The Bipolar I disorder, the severe mental illness,
14 was a contributing fact for the offense of conviction. I'm
15 not saying it caused it. Even Dr. Dinwiddie didn't say it
16 caused it. But did it contribute to what McKenzie -- the
17 facts indicate what McKenzie did in this case? I don't think
18 there is any question of it. And his diminished mental
19 capacity due to that ongoing illness warrants a significant
20 departure under the guidelines. The case law says that a
21 severe mental illness is recognized as a ground for departing
22 from the advisory guideline range, so long as that mental
23 illness is a contributing factor of the offenses charged.

24 McKenzie Carson is not the mainstream of sex
25 trafficking offenders. And, again, I'm not going to suggest

1 and lessen in any way the severity of what he is -- what he
2 has done in this case. The government says that he is a
3 liar, that he lied. He lied during his post-arrest
4 statement. I think if we read that post-arrest statement, he
5 admitted to what was done in this case during that long,
6 rambling interview. It was used during his trial. He didn't
7 admit a lot of things. He didn't admit violence. But he
8 admitted that he was prostituting those girls and had them
9 out there trafficking for him. So is he a -- a cold,
10 calculating liar, a manipulator? You could say that, if you
11 didn't know more; if you didn't know that he was bipolar. I
12 doubt that he can be so calculating, as the government
13 suggests, knowing that he suffers from this illness. We've
14 seen him on performance in this case, in this courtroom.
15 That is a smidgen of what it is. He doesn't seem to control
16 himself. He goes off on tangents. I don't think he is the
17 cold, calculating criminal that the government is suggesting.
18 He suffers from a relatively rare mental illness that leaves
19 him in a constant state of confusion and deep depression; and
20 is likely suffering regularly occurring manic episodes that
21 are severely impairing his judgment and functioning to this
22 day.

23 Due to his mental illness, even given the facts of
24 this case, it would simply be unfair to punish him with
25 basically a life prison term for criminal activity that was

1 caused in part by his mental illness. I think a fair and
2 just sentence in this case is a mandatory minimum. A
3 serious, serious sentence, 15 years in jail. McKenzie Carson
4 is 43 years old. He'll just be under 60 when he gets out.
5 For recidivism sake, even Dr. Dinwiddie's report says, as he
6 gets older, he is less apt to recidivate. He will be old
7 when he gets out of prison in 15 years.

8 I'd ask the judge to sentence him to 15 years. I
9 would also ask you to suggest to the Bureau of Prisons that
10 he is in need of psychological help. That the Bureau of
11 Prisons is not right now providing him with the psychological
12 help he needs. Certainly the medication is wrong, and he is
13 acting out because of that. I'd like to see McKenzie Carson
14 on an even keel. I would like to see the McKenzie Carson who
15 is receiving the proper medication to see what he can do. He
16 suggested to you, Judge, that he can be a valued member of
17 the community. Maybe that's the case. It hasn't been the
18 case in the past. But then we now know he suffered from this
19 mental disease. Please sentence McKenzie Carson to 15 years
20 in prison.

21 THE COURT: Thank you. Mr. Carson, it's your
22 opportunity to speak.

23 MR. SHAVER: Judge, his aunt would like to say a
24 few words.

25 THE COURT: All right.

1 MR. SHAVER: One moment, Judge. Judge, I would ask
2 Emma Chin to come up now. She is McKenzie Carson's aunt and
3 she would like to say a few words. I have attached her
4 letter on behalf of McKenzie to the sentencing memorandum in
5 this case.

6 MS. CHIN: Thank you, your Honor, for giving me a
7 minute of your time. My name is Emma Chin. I'm McKenzie
8 Carson's deceased mother's sister. And you heard a lot of
9 negative things about him, but I want to tell you, I'm not
10 here to say if he is right or wrong. I just want to let you
11 know the McKenzie Carson that I know. And I'm trying to undo
12 some unjust that was done to my nephew the whole time he was
13 growing up. I tried to intervene when my sister, his father,
14 his stepfather, but nobody would hear me. The courts, the
15 school, when I went to them and pleaded for him, nobody would
16 hear me. And I witnessed him being abused, suffered. I
17 couldn't even begin to tell you the suffering he went through
18 with his family. And in school he was picked on. He was
19 beat up every day. He was in special ed.

20 And the McKenzie Carson that I know, I'm not saying
21 what's in the street, that I know, I have a mentally retarded
22 brother. He took care of my brother. He bathed him. He did
23 everything he could do to help the family. He even took care
24 of his abusive father when he couldn't move anymore. He even
25 took care of my sister who wasn't there to defend him as a

1 little boy as he was being beaten. And I had my own family.
2 And maybe I could have did more. I tried to do as much as I
3 can as an aunt, but they wouldn't let me. I was bound by the
4 court because now they take child abuse a little serious than
5 back in the day, in the '80s, when he was growing up. And
6 they take bullying at school a little serious now than they
7 did when McKenzie was growing up.

8 But McKenzie is a good person. He has always been
9 there for the family. And, you know, he got addicted to
10 drugs and the streets caught him up. And, you know, but
11 there is nothing I can say but good things about my nephew.
12 And I ask your Honor, can you please take that under
13 consideration when you sentence him because he has been
14 through a lot. And I'm trying to undo what happened to him
15 as a child. So if you would take that under consideration, I
16 would really appreciate it.

17 THE COURT: Thank you very much.

18 MS. CHIN: Thank you.

19 THE COURT: All right. Mr. Carson?

20 THE DEFENDANT: Your Honor, there is a lot of
21 things I want to say. And I want to say first, I bounce
22 sometimes. It's something I can't control. If you notice
23 throughout, I bounce on one thing, then to here. I don't
24 know how to put things, stay in order. If you can please try
25 to bear with me as I try to say some things.

1 First, I want to address the last things that was
2 addressed and try to stick there first to some things I'd
3 like to say, like Ms. Levin and here today and throughout the
4 trial, the word that's been pounding in my head that she
5 said. If you can allow the pictures in, it goes towards
6 my -- she basically said some word that was saying it goes
7 towards the way I feel or think towards women. That --
8 that -- what's the -- um, I can't think of his name right
9 now, Carrie's partner. Can you help me, please?

10 MR. SHAVER: Was it the FBI agent?

11 THE DEFENDANT: Yeah, him. Let's see. The FBI
12 agent testified that those were pictures that were downloaded
13 to my phone. And you allowed it in as it goes towards my
14 thought of mind. That's what you said. And the pictures
15 were the pictures she spoke of today that -- with a woman
16 duct taped and a woman with black eye and a black -- bruises
17 over her body, or whatever. And those pictures if -- if --
18 if I had knowledge of those pictures before trial, that they
19 were even part of discovery, or anything, I would have been
20 able to explain what I would like to do today about those
21 pictures. Those aren't pictures that I downloaded all -- he
22 was able to testify they were downloaded to my phone. Yes,
23 they were downloaded to my phone, not the computer, as it was
24 changed -- as the story was changed today. But they were
25 downloaded because the first thing you do when you get a

1 smartphone, you've got to decide do you want sites to visit
2 to your phone or -- or to your phone card or to the little
3 small memory that comes with the phone. And the normal
4 average person choose the bigger memory place, which is your
5 memory card holder, whatever. So you got people -- you go
6 through Facebook pages and people put all types of -- some
7 people put stupid images, stuff that doesn't express any of
8 your opinions or views, or so forth. These images, if a
9 computer expert was on the stand, that the person that
10 actually went through the phone would have been able to
11 testify, those was cookie images. Those are what those
12 images is. It's not -- it's not my state of mind towards
13 women.

14 You know, yes, I've made mistakes and I've never
15 denied making mistakes. And I am truly, despite on what
16 Ms. Levin might feel, I'm truly sorry for all mistakes I've
17 made in life, even mistakes that ties into this case, you
18 know, and -- and not saying that because I'm here and I'm
19 arrested, and so forth. My actions show when I learned to --
20 when I came to the knowledge of Kaitlin's true age and when I
21 found out her true age, it messed me up so bad that it scared
22 me clean. And I have not put a drug in my body since June
23 16th -- June 14th, excuse me, 2010. That's -- you know,
24 maybe it took several months for me to get clean, but it --
25 do you understand what I'm saying? You do something that,

1 you know, but what I'm saying is, you know, that right there
2 shows, you know, a person trying to turn their life around.
3 I wasn't arrested, you know, turning my life around. You
4 know, when I got arrested, I was taking care of my elderly
5 father that couldn't feed himself, couldn't cook for himself
6 and dealing with trying to deal with my mental illness at the
7 same time on the phone with the crisis line crying and
8 dealing with my stuff. And they -- I couldn't -- it's hard
9 for me to -- it was hard for me to take care of my dad. So
10 they had to give me the -- they gave me a number where people
11 came in and started giving me a break because, you know, I
12 already got my own problems. And they had to see if -- give
13 me a relief a couple hours a week because I had a breakdown
14 over the 1-800 crisis line phone number, whatever, but. And
15 I'm running to the hospital to see my mom that was fighting
16 for her life at the time, you know.

17 It's a lot that -- I never say I'm stupid. Yeah,
18 I'm smart. I got a learning disability. I'm not good with
19 remembering words, and stuff, but, for some reason, I've been
20 good with numbers all my life. And that's how I was able to
21 be a cab driver because I'm good with numbers. I'm not good
22 with -- you know, it's documented throughout school history
23 of my disability. You know, I -- I can read a book and
24 couldn't even explain the book to you. But, yeah, four years
25 locked up, yeah, I'm starting to -- three -- three of those

1 four years I was quiet in the courtroom. I had nothing to
2 say because I didn't even understand what was going on, you
3 know, except for asking for the discovery, you know. I mean,
4 today, or last week, probably, the most conversation, but.

5 I don't know, what I'm trying to say is, no, nobody
6 in this world deserve a lot of things that they've been
7 through. Veronica, Jessica, Nahrin, Kaitlin and many other
8 people in this world. Nobody deserves it. Nobody deserves
9 to feel less than. And I never intended to do anything to
10 make them feel less than, you know, or, you know,
11 sometimes -- sometimes in life you look back and your actions
12 didn't level out with your intent. You know, like, when --
13 when I was a kid growing up watching my dad beat my mom all
14 the time when she was in so much fear that she went to my
15 aunt's house and got my uncle's gun and would hide it behind
16 the chest for maybe if she get fed up with it one day. Or
17 watching my other uncle beat his wife, you know. And I grew
18 up saying, I never want to be that person. I was a mama's
19 boy. I loved my mom. I loved -- you know? I cried when she
20 cried. You know, I hurted when she hurted, and that's it. I
21 made a promise to myself I would never put my hands on a
22 woman. And I remember the first time I did something against
23 my word, my belief, and everything, how it affected me and it
24 affected my life many times. And, at one point, I went to
25 South Suburban domestic violence class voluntarily. It

1 wasn't nothing to do with no court system. Parenting class.
2 It was parenting and domestic tied in together. I just
3 had -- told my sponsor it ain't helping me -- you know, it
4 had a bonus thing, too, even help me to try to parent better
5 because I was a single father raising my son by myself after
6 me and my wife separated due to her drug addiction. I was
7 trying to continue to raise a son that I didn't -- I wasn't
8 even the biological father. But Derek is always going to be
9 my son, you know. And I was trying to raise him. And Derek
10 is ADHD and I got my problems, too.

11 And, you know, what I'm trying to say is, you know,
12 no matter what the government may say or anyone else, you
13 know, the calling me a monster and predator, I know what type
14 of person I am. I'm a good individual that made some bad
15 mistakes in my life. And some of the mistakes I made were
16 very bad. But I know that I'm a good individual and they
17 can't define who I am, you know. And no matter what happens
18 today, I can continue to strive to show people that I am a
19 good individual. That I made bad mistakes, but to let my
20 further actions show that I'm a good individual.

21 I got clean -- my first time getting clean was in
22 '95. '95 to 2006. When you look at my criminal history,
23 from '95 to 2006, you don't see no arrests. I was clean. I
24 was on my medication. I was going to my group meetings, the
25 Bradberry (phonetic) service. And I was going to my drug

1 meetings. And then my wife started using drugs. And I had a
2 mental breakdown and isolated in the house for two years.
3 And then when I came out of that isolation, I relapsed
4 because the thing that was helping me and keeping me on
5 track, I isolated myself away from it. My medication was
6 keeping me on track. The meetings, the groups, all that
7 helped. All that together change the type of person I was,
8 changed the type of person that I was. That our spare
9 bedroom was open to the newcomer that didn't have a place to
10 lay for the night that people would -- at the groups are,
11 like, are you crazy, you don't know what he might have in his
12 pocket. I said: That's what Dr. Bob did. They opened a
13 door to a stranger, you know. And I had no problem opening
14 the door to strangers for a couple nights, let them get a
15 couple days clean and try to find them a -- the house, the
16 halfway house, and go to because people helped me like that.
17 When I got out of treatment, I went to halfway house and
18 to -- they at the halfway house taught me how to live better.

19 I know that I could be a productive member of
20 society through the right resources. I know it because I
21 have achieved it. I'm not pointing a finger saying this
22 person, that person, just because I say that I had some
23 things happen that I'm not -- no, I'm not pointing the blame
24 finger. I'm not here to point the blame finger. Yeah, I'm
25 saying, I'm just here saying, under certain circumstances, I

1 know I can do better.

2 I had a mental health probation officer. If he
3 could have wrote a letter like he wanted to, but he said he
4 is not allowed to without a court order. And it would have,
5 you know, because he -- he worked for Cook County. But he
6 was my probation officer. He know what type -- nobody knows
7 me as far as public people like him, you know. Or the
8 shelter. I used to go volunteer at First Baptist Church
9 shelter on holidays and feed -- and feed the homeless on
10 holidays at Thanksgiving. When I got clean, that's how I
11 spent my holidays. You know, a lot of times I wouldn't spend
12 it with my family. I told them, I said, I got to serve them
13 because, when I was out there homeless, somebody served me.
14 And the program teaches you to give back that was so freely
15 given to you, you know.

16 So I know what to do under -- I learn what to do
17 under the right circumstances, and stuff. And if I didn't
18 have my mental breakdown, you know, I -- I had to put my wife
19 out. They took my son because my wife was on drugs. And
20 they told me if I wanted my son to come back to the house, I
21 had to put a restraining order on her. You know how hard it
22 is for a non-biological father to get a restraining order on
23 a biological mother? That right there speaks for itself what
24 type of person I am and can be. If the courts granted a
25 non-biological father a restraining order on a biological

1 mother and allowed a non-biological father to -- to provide
2 and take care of a child that he did not give birth to or,
3 you know, I'm not -- or you know what I mean, a father
4 biologically. But I always said Derek was always my son
5 before I even met him. I felt like God made me to be his
6 father, you know? He was -- he was my everything, you know?
7 He was my little man. I would go work on the car. He is
8 right there with me changing the oil, you know. You know,
9 um, I watched him from his different stages. Like he was
10 only in second grade when I met him. And, you know, that was
11 the curious grades stage where he asks you a million
12 questions, you know. And the different stages, you know, and
13 what separated us is the time it took for me to get Derek
14 back at home. They put Derek in a group home until I get the
15 restraining order. And -- and DCFS had to -- they had to do
16 it by the papers, or DCFS had to take custody of Derek and
17 then give me guardianship. So that took time. So I had to
18 go to Irving Park every weekend to pick him up for the
19 weekend visits. And I was without him throughout the week.
20 But then he was in an environment where it changed, you know,
21 his behavior. You know, you put a child that has ADHD around
22 kids that come from all different background and -- and he
23 was in homes where these kids talked to the adults all
24 different type of ways and try to fight him. So after the
25 time it took, he come back home, try to fight me. And I

1 tried and tried. I couldn't -- I didn't know what to do. So
2 I made what I feel was the worse mistake of my life. I told
3 DCFS I couldn't take care of him. And that, too. It
4 spiraled from, first, I had to get the restraining order on
5 my wife. Now I lost my son. Then my mom came and said I got
6 to come get the dog and take the dog to the shelter because I
7 didn't have the energy to get up out of bed and walk the dog.
8 I didn't have the energy to eat. I was too depressed. So my
9 mom had to remove my dog and give it to Naperville shelter.
10 And all these things I'm losing just kept on contributing
11 more to my depression, you know. And all this on top of no
12 meetings, no -- no, no group meetings, only meetings in -- no
13 counseling meetings. I stopped taking my medication, stopped
14 showering. You know, waking up every day staring at an
15 orange electricity cord, just listening to Alicia Keys torn
16 between the two because I was torn whether to live or die. I
17 wanted to take that cord and wrap it around my neck and wrap
18 it around a balcony at the same time and jump. And maybe
19 that would have been better. Maybe, you know, we wouldn't be
20 here if that would have happened then, you know.

21 I don't try to hurt people. I don't want to hurt
22 nobody. I love people. I love the people I love best. I'm
23 a counselor. And a counselor, we like to help people, not
24 hurt people. I didn't intentionally of my own -- you know,
25 the government may disagree. I'm not here to argue any

1 agreement, but I'm just saying Veronica, you know, she was
2 somebody I was in love with, you know. That was my
3 girlfriend. We were a couple. We'd go spend time with her
4 kids, go to the ice cream thing, take them out for ice cream.
5 You know, I would tell her, come on, get some games for them.
6 We'd get some games for them ordered, you know. If
7 Veronica's mom was here to testify, she would say that, you
8 know, I encouraged Veronica to spend time with her kids.
9 Before Veronica met me, she hadn't spent time with her kids
10 in three months, you know, or longer. You know, she started
11 spending time with her kids on a regular because I encouraged
12 that, you know. Because I grew up looking out the window
13 waiting for my dad to come with broken promise, over broken
14 promises, you know. But, no, he ain't coming, he coming.
15 And the hours would turn to days or week because he was
16 someplace stuck in a bar somewhere or a gambling house
17 somewhere. You know, and it's a lot of abuse that I grew up
18 to that I didn't even get into, but. And I'm not going to
19 get into because it has been touched on. But, I mean, I've
20 been through abuse, been beat with two-by-fours, living in
21 the country, and the green part of the corn stalk. Wet it
22 and whip it and see what that do, you know? And I tried
23 killing myself swallowing a bottle of pills. They put me in
24 a guardianship of the state. And what the state do? They
25 put me right back in the house of abuse. But on paperwork

1 we're going to say you living with your older brother. All
2 that DCFS case worker cared about probably the money he was
3 getting because he so didn't care about my well-being.

4 So after being in a mental hospital for some time
5 where I stayed at Evanston Hospital until the insurance ran
6 up where I was transferred to a state hospital, Reed Henry
7 Warner for kids mental hospital where I was abused, where I
8 was restrained. I was raped by own male staff, shot up with
9 Thorazine and restrained. The story is because you got
10 caught smoking a cigarette because the people that came on
11 visits would sneak us cigarettes, give us cigarettes. But
12 John liked to have his way with you when you was drugged and
13 cloudy off these psych meds that you didn't even need, like
14 Thorazine and Haldol. So when I get out -- how do I get out,
15 first of all? A kid that lived in so much fear that pulled
16 the fire alarm and climbed over a wire fence and ran down
17 Irving Park Road with his bloody hands and feet to get away.
18 And I make it from Chicago back to Evanston Hospital. And
19 the person that I trusted, Nurse Kathy, I trusted her so
20 much, I told her. She calls security behind my back and they
21 take me right back to Henry Horner. Then three days, maybe a
22 week later, Henry Horner released me. Now all of a sudden
23 nothing wrong with me when I'm trying to put the truth out
24 what's going on in there to me.

25 But my time at being at Henry Horner, after

1 fighting the hallucid drugs that they give you, that John
2 would give you so he could have his way, you start enjoying
3 the effect of it. I grew up vowing that I would never, ever,
4 use drugs. But 13, 14, after getting used to fighting the
5 drugs that they shot me with and ended up drinking where I
6 developed an ulcer, I went to St. Francis Hospital. About
7 16, I had a peptid ulcer, a baby ulcer. A 16-year old that
8 drunk so much that they had a baby ulcer. My uncle said,
9 don't worry, you don't need to drink, just smoke weed. I
10 started smoking weed with him and his wife that led to other
11 drugs. And I enjoyed the effect of those drugs. That led --
12 weed is nothing but the gateway to all drugs and all. So
13 when I finally led to heroin, I found a similar effect of the
14 same effect that I felt from the hallucid -- the Haldol and
15 the Thorazine type of drugs that I got drugs. Haldol, you
16 were only supposed to get if you were harmful to yourself or
17 other. I got it for smoking a cigarette. That was the
18 paperwork statement. But the truth of the matter, John
19 wanted his way again. It was always about John.

20 It's a lot, you know, that I wish I can -- if I can
21 go back and change the hands of times, you know, I think that
22 it's a song that says that. And I relate sometimes my
23 feelings with music. And it goes with -- I just wish I could
24 change it. I wish I could change everything. But the only
25 way you can change things is by doing better in the future.

1 And I know I could do better. I know I can.

2 I'm asking you to have mercy on me, as God has
3 mercy on all of us. I'm begging for my life. I'm begging
4 for my life. I ain't never -- I -- I never -- this is -- I
5 never been faced with -- -- I never been faced with such a
6 serious crime in my life, you know. Most of my crimes, if
7 you look at my history, were self-inflicted crimes, as we
8 call it in the program. Self-inflicted because I'm chasing
9 after one more, one more high so I don't got to feel or think
10 of the pain and the things that went through me as a child,
11 you know. So let me get one more bag, one more bottle, one
12 more line, one more whatever because, for some reason, I
13 thought the drugs would fix me. They didn't fix me, they
14 just hallucinated me. I was accustomed to it from those
15 drugs that I first learned took away everything. You know,
16 the Thorazine. So chasing after that escape, the great
17 escape that never happens. Because when the high gone,
18 you're right back, messed up in the head, wishing it would go
19 away; but it never goes away. So why would I intentionally
20 inflict the same pain on anyone that I deal with every day of
21 my life.

22 You know, I talked about probation officer, you
23 know, left out some things and -- and that's some of the
24 things even I don't remember seeing in the probation thing,
25 even him speaking about the times that I prostituted myself

1 for one more escape, you know. You know, sometimes that, you
2 know, even my ex-girlfriend, you know, prostituted ourself
3 with this teacher that wanted me to dress up like a woman,
4 you know, and dress him up and put lipstick on us and all
5 that crazy stuff that makes me feel like I'm going to throw
6 up. But if it was the key to making the pain escape out of
7 my mind, I did it, you know. I did a lot of things that I
8 didn't want to do, voluntary and involuntary. And the
9 Narcotics Anonymous books say, drugs change you into a person
10 you don't want to be. And I surely was the little boy
11 playing with fire hydrants, saying I want to grow up to be a
12 drug addict. I wasn't thinking I wanted to grow up to be a
13 drug addict, I wanted to grow up to be mostly unbalanced.
14 Most of my life I've been homeless, homeless because I
15 preferred to be homeless. Started out being placed back into
16 the indirect custody of my mom, you know. So that's when the
17 running away started, you know. And -- and then I left home
18 at an early age and I came back at a wrong age, you know,
19 after a few setbacks and relapsing. Because, throughout my
20 addiction, you know, it was a lot of bridges burnt with
21 conflicts between me and my mom, you know. And my mom passed
22 away since I been here. I don't know how much you're aware.
23 That fact is I love my mom. She had a very, very bad
24 marriage that put her through a lot of things. And she
25 always tried to do the best that she can do, but she was a

1 mother at a young age that -- very, very young age that made
2 bad decisions, you know. And we all make -- we all capable
3 of making bad decisions at times. The question is, do we
4 learn from them. And, you know, our relationship wasn't
5 mended because, throughout my addiction, you know every time
6 I got high, you know, the hurt and anger, every bag or bottle
7 I put in to me, the anger just -- just increased because it
8 fueled, it fueled the fire, so to speak, of things I went
9 through growing up. But it took a while for me. So,
10 throughout my addiction, I said some things to my mom that
11 I -- I didn't mean at times, you know. My mom gave me the
12 gift of life. Through God, my mom gave me the gift of life.
13 I can never take that away from her. She was a great mother.
14 She worked three jobs, you know, trying to take care of four
15 kids. Despite whatever mistakes she made, she was a great
16 mother because she was the greatest mother she knew how to
17 be. And she tried to do the best she could do for all her
18 kids. But I had completely stopped talking to my mom one
19 time in life. And at one point I lived with my aunt right
20 there, 811 Callan. That was years ago. And I can always
21 remember addresses, numbers, for some reason. 802 Dobson,
22 311 Custard, 302 Callan. It just -- numbers stick with me.
23 But a lot of stuff, I can go on all day with numbers. I can
24 go on with numbers to customers that -- that I get an order
25 to go take to the airport here or there forever, you know.

1 But I'm not good with -- but before I get too bouncy, what
2 I'm trying to say -- let me try to re-focus.

3 What I'm trying to say is those bridges were mended
4 through medication, program, sponsor. You know, all the
5 group therapy meetings. But then, you know, sponsor had to
6 teach me that I had to let go. Let go and let God, you know.
7 That was in the past because I -- I couldn't blame my mom. I
8 can't go through the rest of my life blaming my mom, my dad
9 or anyone else for things they done at me. I got to look at
10 the part I played in it, you know. And, you know, I got
11 to -- I learned to pray for people that I were mad at because
12 that's where you find forgiveness and peace and through
13 prayer. Prayer and understanding.

14 You know, before I got arrested, I was searching.
15 I was searching, I was lost and searching for a better
16 relationship with God. I just felt so lost and confused.
17 You know, and it's funny how things turn out sometimes
18 because I used to pray, God, if I get arrested, God, let me
19 find you. Let me find you. Although, God been right there
20 all the time. God is everywhere. We just don't grasp what
21 he is giving us at times. But it took me to be incarcerated
22 and out of my mind, like the whole world is going down. And
23 I feel like I'm gasping for breath, can't breathe. I'm
24 breathing, but the air is not coming. Where is it? I get a
25 phone call. They tell me to come to the attendant office and

1 it's my aunt on the phone saying my mom is gone, you know.
2 And this was very, very -- a month after I was arrested, you
3 know, I took my mom to the hospital, May 6th. I never forget
4 the date, May 6, 2011. Two days before Mother's Day. Took
5 her for some simple pain. And nobody couldn't tell me in a
6 million years my mom would never walk out of that hospital
7 alive. And I wasn't able to be there, comfort her or tell
8 her I love her one last time. And when you wake up and
9 realize you don't -- you can't even pick up the phone,
10 everyday life. My mom died at a very young age, 60 years
11 old. I could never hear her voice anymore. I could never
12 say, mom, I love you. I miss you. I'm sorry. I can't hear
13 her say: McKenzie, it's going to be okay. You got your
14 whole life ahead of you. You'll be okay.

15 My dad, I grew up watching my dad beat my brother
16 with a horse whip. One day I told my brother about it, and
17 he was shocked. He was shocked because he thought I was too
18 young to even remember. I cried with my brother. My brother
19 had whips on his body the size of one of those big patch of
20 band aids. One day, when I got clean, I called my brother, I
21 said: I'm sorry how dad treated you different. To this day,
22 my brother still called my dad, dad; and that wasn't his
23 biological father. His father died when he was a baby. And
24 it's things like that that motivated me to give Derek all the
25 love I can and treat Derek the best I could treat him as a

1 father, a kid and a human being.

2 My dad was abusive. He was -- belittle me. The
3 favorite word he had for me is: Boy, you ass backwards. You
4 can't do nothing right. I remember going -- it was our
5 weekend to spend with my dad, and he finally came. We going
6 to the theater. And somebody bumped him. And then somebody
7 else got to shaking his pants, they dropped their contacts,
8 the whole time they picking his pocket. And I'm trying to
9 tell him: Daddy, daddy. Leave me alone. I'm trying to help
10 them get the -- get their contact. Dad? Leave me. So I
11 left him alone. They picking his pockets. When he got done
12 looking for something that wasn't there, I said: Daddy, they
13 just took your wallet. Boy, you ass backwards. I tried to,
14 you know. I wasn't McKenzie or Kenzie to my dad. 95 percent
15 of the time I was, "Boy." I can't ever remember my dad
16 telling me he loved me. Never, ever. That's why I always,
17 even when I get done, you know, telling Derek you can come
18 out of the corner, I give him a hug and embrace him. I love
19 you, son.

20 But at times my dad did show me he loved me. He
21 got me on one arm and my sister on another, he would be
22 swinging us at the park. It meanted so much if I could ever
23 hear the word, and I never in my life could remember ever
24 hear the word. But I learned to accept that maybe he grew up
25 in a different time. Maybe, you know, you weren't supposed

1 to tell a man or a boy you loved him, maybe, you know. Just
2 like you weren't supposed to cry. If my dad see me cry, he
3 will push me around and smack me and tell me to stop crying.
4 A man ain't supposed to cry. If somebody chased me home
5 because I was in special ed and beat my ass and I come
6 running home, excuse me, he told me to get out there and
7 fight or he going to beat me. Not the best of alternative.
8 Lose-lose situation.

9 In school, I feared on a daily basis where I
10 started stealing out of people's lockers from the older guys,
11 stealing out of their lockers. So I used the money I'm
12 stealing to buy everybody ice cream so I wouldn't be getting
13 beat up. The principal called and said, your son is stealing
14 money to buy stuff for everybody. He didn't understand why.
15 And I never told him. It's because I was tired of getting
16 beat around for being special ed.

17 I had teachers that didn't even have basis to try
18 to teach us. It wasn't just me, we were in special ed. But
19 all they cared about is whether -- whether they going to --
20 they got to get us graduated. So it's some test to graduate
21 by 8th grade. I failed it two times. They just gave me the
22 answers. And you call that teaching? I was told that by a
23 teacher that I can never get better in reading, that my
24 reading would never change. Today, I know that to be a lie,
25 just like the Devil is. In four years, I learned how to read

1 words. I ain't never learned how to read. I never had an
2 interest in opening a book to try to read because the teacher
3 told me life early on that I would never be able to read
4 right. I might read slower than other people. It might take
5 me a week to read a 400 page book, but I can read it. I've
6 been learning words I didn't -- never knew I could learn.
7 Friends sent me a Webster and Thesaurus. But I used to keep
8 going on and just skip a word when I didn't try to pronounce
9 it. Then I'm learning how the P-h really say F. I didn't
10 know that. I'm 42 years old. It took me 43 years to really
11 know how to use a pencil. I cried when I learned how to use
12 a pencil. I got a callus right here because I held a pencil
13 right here because I couldn't get how to hold it. The
14 teacher said, just lay it right here. Big old callus I had
15 because I spent my life not holding the pencil right here
16 because the teacher didn't have the patience to teach me.
17 They had those cursive cards to learn how to -- teachers lost
18 interest in teaching me that. They even lost interest in
19 even trying to help me with reading where they will just put
20 me in a booth and get me a head phone with tapes that read to
21 me.

22 I never forget, I think it was around 2000, when No
23 Child Left Behind came out. And I cried. I was so happy to
24 hear that because my son was 7th grade. And I said, with
25 that, Derek can get a proper education because it always

1 played on my self-esteem, and stuff, of what I can say or
2 what I understand, you know, that some people could talk at a
3 higher level, you know. I was told that if a person is
4 teachable, they are reachable. That's a slogan, one of many,
5 we got in the program. And I tried to keep an open mind
6 where I can be teachable and I -- and in four years I've been
7 learning how to read.

8 I know -- I know I can move forward. And, you
9 know, if given the opportunity, have a career and contribute
10 to not just the community, but my country. I -- '95, I was
11 charged with possession of drugs, delivery of controlled
12 substance and possession of drugs, I believe it is. Another
13 self-inflicted crime to support my habit. I was -- the crime
14 was -- the crime was -- the drugs were self-inflicting, you
15 know, to inflict more pain on myself, that's -- by using
16 drugs, I was in possession or seller of the drugs, or both, I
17 don't remember exactly. But, with that probation, I got TASC
18 probation. And that's when TASC probation first started. It
19 was a strict two-and-a-half year TASC probation. Not once
20 did I drop dirty with going to my meetings, seeing my
21 probation officer, you know.

22 I know I'm changeable because God is the one that
23 changes people. As long as you have God in your life and --
24 and you following steps, you know, and with the support. You
25 know, my aunt and my cousin, they're not the only support I

1 got. I got loving family that live in the south. They're
2 not able to be here. I got -- I got family in Arkansas and
3 in Georgia, Little Rock, Arkansas; Prattville, Alabama,
4 Conyers, Georgia. I got a sister in Naperville that is going
5 through some things herself right now; and she is unable to
6 be here, you know. But they love me. My family love me, and
7 I love them. And I got support. And as long as you got
8 support, you can -- as long as you got your support, like we
9 call it in the program, networking support group, support
10 team, you know. But the truth of the matter, the long --
11 longer someone was locked up, the less support they're going
12 to have. Just in four years I lost three people: My father,
13 my mother and a cousin. Two of them at a very young age.
14 The cousin, to Stage 4 cancer that he made headlines because
15 the cancer never existed. A new type of cancer. My mother
16 to the -- my mother dealt with a long, long illness of kidney
17 disease that brought on many other problems, starting with
18 the problems that changed her to the person she wasn't. My
19 mother went to see a doctor because she was overweight. And
20 instead of the doctor running medical tests and doing what he
21 was supposed to do, he told her, oh, you need to back away
22 from the table, that's all that's wrong with you. Here, take
23 these water pills. Drink water, eat less. The water pills
24 was -- I'm sorry, not water pills, but some type of steroid.
25 Take these, drink water, eat less. The steroids was

1 something that made her change to a very angry person. My
2 mother never abused me before she got on that medication.
3 And not to mention the other decisions she made because she
4 was on that medication, like meeting somebody in a pen pal
5 newspaper one week and two months later moving us about 400,
6 500 miles from Chicago to Vandalia, or actually a small town
7 called Brownstown. It was so small it wasn't even on a map
8 back then. Moving us there overnight in a couple month
9 period and marrying a total stranger, where I dealt with more
10 abuse. I swear I got beat with two-by-fours and wet corn
11 stalks. And, you know, if you just happened to be walking
12 while Bob was mad, he had the big, long country boots to give
13 you a nice kick right in your anal, you know. So it was
14 better to just try to stay out of his way because he don't
15 got to be mad at you to catch one of those kicks. He could
16 be mad because his check didn't come, nobody bought enough
17 wood; or the tree he chopped down fell in the wrong
18 direction. Or maybe you were expected to have those trees he
19 left cut up. You got to chop them in one -- one, and you got
20 four pieces, and you got to have them stacked up. If you
21 didn't have enough stacked up for him to keep the firewood
22 burning because that's what we stayed warm on.

23 We moved a nice -- a nice, beautiful house from
24 1932 Gray in Evanston to a shack in the middle of a cornfield
25 where we had to a burn wood stove all around the clock in the

1 morning time not to freeze. And that was only due to the
2 doctor putting my mom on that medication that damaged the
3 heart, messing with her mind, think she really had an
4 illness, a kidney disease, that needed to be dealt with. And
5 after years, then they -- when they finally found out she had
6 a kidney disease, she went through numerous transplants.
7 That failed six months later. Two transplants she went
8 through. Two heart surgeries. Brain aneurysm, you know.
9 Water on her brain. And when you got -- have surgery and you
10 have to have emergency surgery and you're on blood thinners,
11 you're on blood thinners so -- so you can have dialysis, they
12 don't have that much time to try to get your blood thick.
13 They got to plug an IV and give you the plasma, the stuff
14 that's in the bananas and starch that she normally don't --
15 she can't eat because it thins her blood. But they got to
16 give it to her through blood now to thicken her blood. And
17 after the surgery, because of the stuff she was missing, you
18 know, you don't even recognize the person. She came out like
19 a human balloon. After surgery, she was like 300 was blown
20 into her, 300 pounds of air, you know. But that's all the
21 water that build in her, I think, I don't know. But it's a
22 scary thing to go through, you know, being told that your mom
23 is not even going to make it. But she was the miracle
24 patient, you know. She made it a couple times that they said
25 she wouldn't. And the times you least suspected, she didn't

1 make it.

2 Bottom line is, it's not -- it's not about being --
3 it's not about being sorry I got caught, as Ms. Levin wants
4 to say. No. I am truly and sincere sorry for pain, hurt,
5 misguidance, suffering, anything I've done to anyone, you
6 know. And the only thing, there is only a few things I can
7 do, you know. And that's, one, never, never do the things
8 I've done to anyone else, you know. Get, as Mr. Shaver been
9 telling me, you know, and it's get on the proper medication,
10 as he been telling you I need as well, you know, and if --
11 if -- allow the opportunity to get back in my therapeutic
12 groups. And the number one rule in Narcotics Anonymous,
13 never use again, you know. And the book of Narcotics
14 Anonymous talks about, which is very true, some people don't
15 understand, they misunderstood it, but recovery -- I mean,
16 I'm sorry, relapse is not part of the program. No, relapse
17 is not part of the program. It never will be part of the
18 program. You know, like some people might say, have you had
19 a relapse yet? No, relapse ain't a part of the program.
20 Everybody don't have relapse, but it does happen. Relapse
21 does happen, you know. Relapse in anything happen. You
22 know, even after a surgery, somebody might relapse and report
23 back because they went not following the procedures of you
24 weren't supposed to lift more than 30 pounds for -- you know.
25 You know, regular meetings is the procedure of Narcotics

1 Anonymous through my depression and other -- the mental
2 health issues and -- and family issues in isolating, I
3 relapsed, you know. As the book says, you know, sometimes we
4 can back ourself into a corner that we might not come out
5 clean. And that was the corner I backed myself into when I
6 stopped doing everything that was helping me. Ten years,
7 nine months. Ten years, nine months. November.
8 November '95 to June 2006. When I relapsed and after the
9 fact of relapse, it felt like I woke up in a nightmare. It
10 was like another person did that drug, not me. How did I do
11 that? But I stopped doing everything that helped, that's
12 how. But if I could do that, ten years and nine months from
13 the age of 23 when I got clean, when I was in the program, it
14 wasn't too many people my age when I was 23 that was staying
15 clean. I stayed clean for ten years and nine months. If I
16 did it at 23, I know when I finally, finally get clean again
17 at 38, I can -- I could continue and continue and do it much
18 longer.

19 My biggest stumbling block getting back to the
20 program and getting medicated was the shame of I threw all
21 that, as they call it, good time away. I pissed it down the
22 drain, you know. You know, and sometimes shame stop us from
23 doing things that we need to do. As the book of Narcotics
24 Anonymous say, there is nothing shameful about a relapse.
25 The shameful part is staying out there in the relapse, you

1 know. I stayed out and the shame got worse and worse
2 because, with the shame, came more and more bad decisions.

3 Right now, today, I stand here clean since 2011.
4 I'm sorry, 2010. And some people may argue, oh, he is in
5 jail, he don't got a choice. That's a lie. People over
6 there getting high every day, every day. Whether it's weed,
7 heroin, coke, or the stuff that don't show up in the system,
8 they call it tunechi. I don't want no part of it. They
9 played a part at ruining my life. I don't want no part of
10 nothing that played a part in why I'm here today. No part of
11 drugs. No part of prostitution. No part of soliciting. No
12 part of drinking because I got to be sure about -- be sure
13 and never forget one thing. For me, alcohol is a drug. One
14 is wet, the other one is dry. Bottom line, they both get me
15 high. If I pick up a bottle, sooner or later, I'm going to
16 end up maybe with a needle in my arm. People over there
17 cooking up their own wine. I don't want no part of it. I
18 want a part in changing, a part in putting back to the
19 community, you know, helping rebuild the community. This
20 either going to do negative or positive. I learned, if you
21 don't get involved in something positive, you going to do
22 something negative. Like, when I got clean, when I got out
23 of treatment and went to the halfway house, I didn't know
24 what to do. They said, well, do some service work. I said,
25 I just read something that you got to be six months clean to

1 do service work. He said, the guy that ended up becoming my
2 sponsor, he said, no, you got to be six months clean to chair
3 the table, run a meeting. No, no, the meeting is -- running
4 a meeting is a year clean. But the other stuff like,
5 secretary, GSR, and stuff, six months, you know, he said.
6 But all you need is one day and the willingness to go around
7 and push the chairs in. You know, this is before they passed
8 the new bylaws to make the meeting rooms non-smoking or empty
9 the ashtrays or, you know. And then about after -- I want to
10 say when he gave me my three-month -- no, when he gave me my
11 nine-month medallion, he told me -- you know, I was trying to
12 get a service position and I didn't get voted in. He said --
13 he said, don't be discourage. Really, to tell you the truth,
14 some of the most humbling service, you don't have to get
15 voted in, you know. Pick up a newcomer, take him to a
16 meeting, you know. Give the new person that's walking in the
17 door a hug. The one that, you know, that looks dirty and
18 grimy person that you want to walk away from. Give them a
19 hug. You know, make somebody feel like they belong. Give
20 back what is so freely given to you. And those are the
21 things that help me stay clean. And that guy became my
22 sponsor and helped me stay clean; had me sign up with Grand
23 Prairie Service, help me, you know, to get -- get in the
24 right meetings because I had came from three -- three-month
25 program to the Branden house. I'm seeing TASC probation and

1 my regular probation officer. And my regular probation
2 officer, he said, okay, you got to get in, you know. That's
3 part of my mental health probation, I have to get in. And if
4 you talk to Dave Bishop today, he'll tell you that I'm one --
5 I was one of his success stories. Before I got locked up, I
6 called Dave Bishop. You know, when I relapsed, when I
7 relapsed, I called Dave Bishop and broke down and cried, left
8 a message, told him I messed up. And before I got locked up,
9 about a month or so before I got locked up, I called Dave
10 Bishop and told him, you know, I wanted to let you know that
11 I'm clean. At that time I had I think about 18 months clean,
12 you know. I said, I'm clean. I know I left a message on
13 your recording one day and I was messed up. And I said --
14 then it turned out he had never got the message. So I might
15 have deleted it because it gives you the option to send or
16 delete. But it was good to let him know I was clean. And I
17 reached out to him, you know. And, you know, and I know
18 how -- when I'm on the right track and I'm medicated, I know
19 how to reach out, you know. You know, I have my network. I
20 have 800 numbers.

21 You know, Ms. Levin is talking about life in
22 prison, you know, and to protect society, and I -- and I
23 understand it's important to protect society. But I truly,
24 honest to God, do not believe that society need to be
25 protected from me. You know, I understand I made some real

1 bad mistakes in -- in life. However, the thing about -- I
2 don't even think she is even qualified to determine what type
3 of person I can be moving forward. But I think my past
4 speaks for itself of what type of person I can be, you know.
5 From 10 years and nine months that I was clean and on
6 medication, what do you see in my background? Nothing.

7 THE COURT: There were numerous arrests for assault
8 during that time.

9 THE DEFENDANT: I forgot about that. I was
10 arrested for -- it was assault. Someone claiming they was
11 battered. It was a guy from one of the meetings, and he
12 claimed I battered him.

13 THE COURT: I think one of them was your stepson.

14 THE DEFENDANT: Pardon? No, I never been arrested
15 for assault on my stepson.

16 THE COURT: Well, you weren't convicted.

17 THE DEFENDANT: And that was something that was
18 claimed throughout bond and throughout trial. I never
19 been -- Oh, I'm sorry, I did have that, too. But, and that
20 was thrown out, too. That was in --

21 THE COURT: I agree, there were no convictions.
22 Okay. I think --

23 THE DEFENDANT: But for the gist of it, what I'm
24 saying is, if you look at my background, you see, when I used
25 drugs, I had patterns. Patterns maybe that lasted every

1 three months. I'm arrested for something, whatever it is.
2 Domestic. A domestic, disorderly conduct, you know,
3 possession, you know. From 2000 -- or from '95 to 2006, you
4 don't see that pattern. Something changed. So when you --
5 when you ask yourself, the pattern was broken, what changed,
6 I'm letting you know what changed in my life. I had help. I
7 had help. I was properly medicated, you know. Maybe --
8 maybe not even properly, but I was -- I had a doctor that
9 didn't really want to mess with my psych meds because I had
10 thyroid issues. I been going back and forth to the hospital
11 for thyroid issues since 2000. Since 2000 and -- and they
12 don't -- when you going through thyroid issues, they don't
13 want to mess with your psych meds because your thyroid glands
14 control every single thing in your body, you know, from
15 mental health issues to even nerve issues. And it's -- you
16 know, it gets real deep how much the thyroid control, you
17 know. And it took years to get this thyroid dealt with. One
18 minute I'm on medication, one minute the doctor calling me,
19 don't take no more, you're too high, you're too low. I'm
20 being sent from one specialist to another, you know. And
21 then there was times where I just stopped taking the meds
22 and, you know, I -- I was using. You know, I was battling
23 back and forth with the demons that -- of the drugs, you
24 know. From 2006 to '10 was a real battle back and forth, you
25 know. I think I went -- went to three -- I went to the

1 hospital three, four times from 2006 to '10, and two of them
2 being a drug rehab. And -- and then I left Linden Oaks at
3 one time and was sent to a nursing home for mental illness
4 because I wasn't discharged stable. I wasn't stable. They
5 just -- my insurance ran up and they sent me to a nursing
6 home, Sunset. It was called Sunset on Sheridan, on the north
7 side of Chicago. And I was eventually discharged from the
8 nursing home at a hospital. When they took me to the
9 hospital from Sunset, I had a bipolar episode, and they sent
10 me to the hospital and they refused to take me back at --
11 Summerset, not Sunset. It was called Summerset. They
12 refused to take me back at Summerset because of my bipolar
13 episode. You know, I had put a couple cigarettes out on
14 myself where, in order for me to go have a cigarette, I had
15 to be on one on one. You know, I had to have counselor with
16 me anytime I wanted a cigarette, you know, because I kept
17 putting out cigarette out on myself. And then -- then a
18 couple bipolar episodes where they had to restrain me and
19 medicate me, you know. And -- and they discharged me from
20 that hospital. They had taken me to the hospital. They sent
21 me back, you know, and I got discharged from there, didn't
22 know where to go. North side of Chicago, you know. It only
23 take a second to get further south or west, you know. And
24 I'm over somebody's house getting high, you know. You know,
25 many times feeling rejected, I don't want it, you know.

1 And I felt all my life I felt rejected by my dad,
2 waiting at the window, rejected by my mom when it seemed that
3 she chose a pen pal stranger over her kids. Rejected by the
4 hospital when they say they can't help me. When I got
5 expelled out of school and my mom took me to therapist. A
6 rejection that the therapist said there is no help for him.
7 When you go to see a medical doctor and they lie and say
8 there is no help, you know how belittling that is?

9 But these are things I just added to my
10 self-medicating list. I'll get high and forget about it.
11 But the truth of the matter, high don't get -- getting high
12 don't take no pain away. It gives you an illusion that it's
13 gone for a minute. As soon as the high goes away, the pain
14 comes tumbling down ten times worse. And I've learned over
15 the years the only thing that ease the pain, because pain is
16 never going to go away, that eases the pain is to confront
17 the pain. Deal with it, you know. So working the steps in
18 the Narcotics Anonymous meeting, you got your anger category,
19 you got your rejection category, you got your -- you got your
20 abuse category, you got your resentment. I resent this, I
21 resent that. And sometimes you look up. And when you keep
22 on riding over the years, you look up and you -- then you
23 resent things that, like, where did this come from? Even the
24 perfect stranger. But when you get deep down from under the
25 surface stuff, you resent the perfect stranger because he

1 reminded you of Bob that did this to you or dad that did this
2 to your mother; or the list go on. But then, when you get to
3 the nitty-gritty, you got to get to the forgiveness category,
4 including forgiving yourself, you know. And sometimes, I'm
5 not going to say sometimes, a lot of times, it seems easier
6 to forgive somebody else than yourself, you know. I'm mad at
7 myself the most. But you learn forgiveness. True
8 forgiveness start with self. You got to truly forgive
9 yourself before you can forgive others. Then you can get
10 closure and move forward, you know. And these are the tools
11 that I have instilled in me that, with the chance, I can -- I
12 regain these tools. I can use them. I can use them. And I
13 can help someone else use them where they don't have to go
14 down some path. I can stop somebody else from falling in the
15 pothole I fell in. There is another me sitting in the
16 meeting right now that needs somebody to reach out to him and
17 tell me he is not that bad person, he made bad decisions, and
18 we're going to love you until you learn how to love yourself;
19 and then you can give it back to somebody else and we're
20 going to do this together. Everything you've been through or
21 going through, I've been through it. That is okay. That it
22 might get worse before it gets better, but it's going to get
23 better, you know. There is somebody else that needs tools
24 that's instilled in me that I can put in to them that they
25 don't end up in front of you or no other judge under any

1 other circumstances.

2 One thing I've learned in this four years, besides
3 learning that the jails are so overcrowded, it's overcrowded
4 with people with mental illness. This guy, Angel Ramos, rest
5 his soul, guy just died a couple days, right there, in the
6 cell across from me. Mental illness. And people with mental
7 illness end up in the SHU or Seg and neglected and left
8 behind. You know, a lot of times, you know, oh, he just got
9 mental illness. That's why he is not getting up. Don't
10 worry. He don't want the breakfast? He don't want the
11 lunch? He don't want the dinner? Until the right CO that's
12 caring and loving come by. Oh, no, why he is not getting up.

13 THE COURT: All right. I don't think we need to
14 talk anymore about him.

15 THE DEFENDANT: Okay. I'm sorry.

16 THE COURT: I need you to finish a point or -- it
17 has been a long time.

18 THE DEFENDANT: I'm sorry. I'm just trying to
19 express my feelings and views. But, again, I stand before
20 you and I'm begging for mercy. And I think Count 1 doesn't
21 limit how much probation you can give me. If you give me a
22 chance, I can be the miracle defendant that stood in front of
23 you and turned things around and helped to contribute to
24 society. I stand before you today begging for mercy.

25 THE COURT: Thank you. All right. Let's turn to

1 3553. Starting with an Offense Level of 43 because I guess
2 is the highest level it can go, and a Criminal History
3 Category of III. The guideline provision is life
4 imprisonment, but it is not a requirement.

5 Well, we start with looking at the nature and
6 circumstances of the offense. And it's hard to really talk
7 about or really to describe, I mean, as the government was
8 saying, that the seriousness of the offense in terms of the
9 viciousness of it and the harm that it did. I mean, this was
10 several years of trafficking. This was involving the four
11 victims that testified before me, as well as the -- I mean,
12 the five before involving counts and the additional one in
13 terms of relevant conduct. They were kidnaped in the sense
14 that they were not allowed to leave. They were tortured.
15 They were coerced. They were forced to engage in
16 prostitution. They were humiliated. They were repeatedly
17 raped.

18 The other part of 3553(a)(1) is the history and
19 characteristics of the defendant. In some ways, certainly
20 this criminal history category does not overstate his
21 offenses. I have listened, I've read your very good
22 memorandum, listened to your argument, Mr. Shaver; and I have
23 listened as well, I have for a very long time now, to
24 Mr. Carson. And, of course, I have watched him both in trial
25 and in court over a period of several years and many times.

1 You are smart and manipulative and incredibly self-centered.
2 I just listened to you for an hour and a half, or however
3 long it was, and I never heard any remorse, any
4 understanding, any -- -- anything whatsoever that said, I
5 know I really hurt these people, and I am sorry for that.
6 What I heard was: Poor me. I was victimized by my mother, I
7 was victimized by my father, I was victimized by every
8 medical person who has had any contact with me. I was
9 victimized by teachers; everyone, apparently, who has come
10 into your life. And I also heard you say that, okay, you
11 acted better during the years when you weren't drugging. If
12 so, you had an option. You had the option not to go back to
13 it. I do notice that, when you say you quit your drugs again
14 in early 2010, that the conduct in this case went on after
15 that. And, oh, your wife's fault. I left that one out.

16 I do see that there is a history of mental health
17 issues. I think we've been very careful in this case to make
18 sure -- to try and separate and make sure what was going on.
19 Sometimes it was, I think you decided not, just as you
20 decided to stop taking your medication back at times when you
21 were out, you stopped taking your medication when you were
22 incarcerated. Undoubtedly -- there is nobody -- I don't
23 think anybody grows up to be an abuser in the way that you
24 were an abuser without probably being abused at some level
25 himself; or I suppose it could be herself. But that doesn't

1 excuse what you did. And it doesn't excuse you from at some
2 point taking responsibility, real responsibility, and saying:
3 Gee, I really, really hurt these people. But I will take it
4 into consideration in a sentence.

5 The sentence is supposed to reflect the seriousness
6 of the offense, promote respect for the law and provide just
7 punishment, as well as adequate deterrence; and to protect
8 the public from further crimes of the defendant. I
9 usually -- in most cases, I'm actually not that worried about
10 further crimes. I am in this case. I see no sense
11 whatsoever that whatever has fueled this is not still there,
12 will not be there. I also see somebody who can talk well,
13 who may not have had a lot of education. Although, it does
14 say you went to high school part of the time. But is quite
15 smart and quite capable of discerning a whole bunch through
16 lots and lots of facts. And I can see at talking vulnerable
17 people into going with them.

18 So taking all of that into consideration, as well
19 as the need for just punishment, the need to really punish
20 just really severe crimes and the other factors, but also
21 hoping that if any help is given in prison that there might
22 be a chance some day that you could be released and not cause
23 harm, I'm committing you to the custody of the Bureau of
24 Prisons for a term of 47 months -- 47 years on Counts 1, 2, 3
25 and 4, to be served concurrently. 47 years. There will be a

1 fine. There is a special assessment of \$400 payable
2 forthwith.

3 Upon your release from prison you will be on
4 supervised release for a term of five years on Counts 1, 2,
5 3, and 4, to be served concurrently. Within 72 hours of your
6 release from the custody of the Bureau of Prisons, you shall
7 report in person to the probation office in the district to
8 which you are released. On supervised release, you shall not
9 commit another Federal, state or local crime. You shall
10 comply with the standard conditions adopted by the Court.
11 You shall refrain from any unlawful use of a controlled
12 substance. You shall submit to one drug test within 15 days
13 of release from prison and random drug tests thereafter, not
14 to exceed 104 tests per year. You shall cooperate with the
15 collection of the DNA sample at the direction of the
16 probation officer. You shall participate in a mental health
17 treatment program at the direction of the probation officer.
18 You shall comply with all recommended treatment. That may
19 include psychological and physiological testing. You shall
20 maintain use of all prescribed medication. You shall
21 registered with the state sex offender registration agency in
22 any state where you reside, employed, are employed, carry on
23 a vocation or are a student. You shall not have contact with
24 any person under the age of 18 except in the presence of a
25 responsible adult who is aware of the nature of your

1 background and current offense and who has been approved by
2 the probation officer and treatment provider.

3 I think that's all. I don't actually have one of
4 those little up-to-date -- this was done so long ago. I
5 think that ought to cover -- you have one? I don't think one
6 was done in this case.

7 MS. LEVIN: Oh, then I don't.

8 THE COURT: Did you do one?

9 PROBATION OFFICER: No, your Honor, I did not. I
10 have --

11 THE COURT: Well, I think I've covered the ones
12 that would seem to me to be important, considering his age,
13 by the time he will be released.

14 PROBATION OFFICER: Very well, your Honor. I mean,
15 we typically recommend, one of them statutory, it's No. 8,
16 under the special conditions, I think. Refrain from
17 possessing a firearm or destructive device.

18 THE COURT: Yes, we should do that.

19 PROBATION OFFICER: Then there is a cluster of them
20 routinely asked for every case. Remain in this jurisdiction
21 where he is released and being supervised.

22 THE COURT: Yes.

23 PROBATION OFFICER: Don't leave without permission
24 of the Court or probation officer. Report to the probation
25 officer or Court as directed. Permit the probation officer

1 to visit the defendant at his home, work or any other
2 reasonable location; and permit the confiscation of any
3 contraband observed. Notify the probation officer promptly
4 of any change in residence. Notify the probation officer
5 promptly within 72 hours if arrested or questioned by law
6 enforcement. So those are the standard.

7 THE COURT: Do you have any objection to any of
8 those?

9 MR. SHAVER: I do not, Judge.

10 THE COURT: They all sound appropriate. Okay. We
11 will include -- we will include those.

12 You have 14 days to file a notice of appeal. Is
13 there any place you want me to recommend where he serves his
14 sentence?

15 MR. SHAVER: The medical facility in Minnesota I
16 think would be the best place for him. We haven't talked
17 about it, and I don't know if he wishes a place that's closer
18 to home, but he needs psychological counseling. He needs
19 medical help -- a mental health treatment.

20 THE DEFENDANT: Excuse me, your Honor. There is no
21 medical center down south where the majority of my family is.
22 My sisters will have to relocate down there as well. My
23 brother is in --

24 THE COURT: I'll tell you what, it will take her a
25 little while to get this prepared. You people -- well, I

1 don't know, do you want to talk about it a little bit? Do
2 you want the list?

3 MR. SHAVER: There is a medical facility in
4 St. Louis, Missouri, but that is as close as it is farther
5 south, but --

6 THE COURT: Do you want me to just recommend that
7 he be sent to an appropriate facility in Georgia? Is that
8 what you're saying?

9 THE DEFENDANT: In Georgia, Arkansas, in that area.
10 If you got a medical center, if you got one.

11 THE COURT: There is one in -- I mean, I'm not --
12 you know, they will have to decide whether --

13 MR. SHAVER: Yes.

14 THE COURT: -- what kind of treatment is
15 appropriate. But I will recommend that he go to an
16 appropriate -- whatever is the appropriate facility in
17 Georgia, Arkansas or Missouri. Is that what you said? You
18 didn't --

19 THE DEFENDANT: No. Alabama, Arkansas.
20 Prattville, Alabama; Conyers, Georgia; and in Arkansas;
21 right? Yeah, Little Rock. Arkansas.

22 THE COURT: Where is your sister moving?

23 THE DEFENDANT: My sister, she is moving that way,
24 too, where my brother is, towards my brother. She don't know
25 exactly where, so.

1 THE COURT: Where does he live?

2 THE DEFENDANT: He lives in Georgia. He lives in
3 Conyers, Georgia.

4 THE COURT: All right. We'll say Georgia,
5 Arkansas, Alabama. Anything else?

6 MS. LEVIN: Just one issue from the government,
7 Judge. The government is seeking restitution for the victims
8 that were charged in the indictment in this case. It's based
9 on their trial testimony. I have a chart that I can provide
10 to your courtroom deputy. It's based upon the number of days
11 that they worked and an average amount that they made each
12 day.

13 MR. SHAVER: I would object, Judge.

14 THE COURT: I'm not going to do that.

15 MS. LEVIN: Under the statute, Judge, they're
16 entitled to -- I mean, restitution is mandatory.

17 THE COURT: But it's restitution of funds. They
18 actually were engaged in illegal conduct; right?

19 MS. LEVIN: Yes. And the courts have held that
20 it's appropriate to order restitution in cases like these
21 where they were entitled to the funds and the funds went to
22 the person who was trafficking.

23 THE COURT: Have you given them this chart? I
24 haven't seen this.

25 MS. LEVIN: I haven't -- we just put it together.

1 It was -- I wrote about restitution in the government
2 sentencing memo, though, Judge, and said that I would be
3 providing a copy at sentencing.

4 MR. SHAVER: Judge, I have seen some restitution
5 orders that are tied directly to treatment, counseling,
6 medical treatment, but there are bills. And there should be
7 an accountability of what was spent and what supposedly is
8 owed. But I think it's too speculative and is inappropriate
9 in this case.

10 THE COURT: Well, right now you're asking me to
11 look at something I haven't even -- do something based on
12 something I haven't even seen.

13 MS. LEVIN: Yes. Judge, as I said, it's based on
14 the trial testimony. And if your Honor would, like while
15 your courtroom deputy is putting together the judgment of
16 commitment order, I can certainly --

17 THE COURT: Well, she is probably not going to get
18 that done today.

19 MS. LEVIN: So I can certainly submit something
20 more in writing and submit the attached chart and your Honor
21 can rule.

22 THE COURT: Do you have the chart now?

23 MS. LEVIN: And, Judge, I'm passing up one more
24 that actually is more detailed that I just received.

25 THE COURT: You know --

1 MR. SHAVER: I note that Judge Leinenweber did not
2 order restitution in the case.

3 THE COURT: You've also had a lot of time to have
4 done this so that we could deal with it today. I don't want
5 to deal with this after today. I'm not going to do it then.
6 I have no idea what this is based on. Ordinarily, if we had
7 a restitution issue, we would have dealt with it before the
8 day of sentencing, not at the very -- not at 4:00 o'clock on
9 this afternoon, after an entire day, or almost an entire day.
10 And I have no idea what these numbers mean.

11 MS. LEVIN: Judge --

12 THE COURT: Have you given this to Mr. Shaver
13 before then?

14 MS. LEVIN: It was just prepared today, Judge, and
15 it has been -- but it's information that has been available
16 because it's in the trial transcripts that I received from
17 Mr. Shaver. I mean, none of this is new. It's based on the
18 time period that they testified that the defendant trafficked
19 them. And it's based on the average amount of money that was
20 also in the record that they would make each day. So, I
21 mean, all of this information is available. And of course --

22 MR. SHAVER: We're paying them for the trial
23 testimony?

24 MS. LEVIN: I'm sorry.

25 MR. SHAVER: I'm sorry.

1 MS. LEVIN: And as far as putting defense counsel
2 on notice, we mentioned this in our government's version. We
3 also put it in our sentencing memorandum. So it shouldn't be
4 a shock to anybody that the government is seeking this
5 restitution. And we cited cases that support providing
6 restitution to victims of sex trafficking in similar
7 circumstances where it has been awarded, based upon the
8 services that the victims provided when the money went to the
9 trafficker.

10 MR. SHAVER: They have not provided in paper the
11 specifics of what was done in this case that deserves
12 restitution. They simply haven't. If the only restitution
13 is based on the funds that were paid for the sex acts in the
14 case, how many sex acts were there? Estimates? Is that an
15 appropriate estimate for a restitution? I don't think so.

16 MS. LEVIN: Based on the testimony that was given
17 under oath and the jury found them credible and there is no
18 evidence to the contrary, yes, it actually is, Judge, because
19 it's confined to the period that they testified they were
20 trafficked, based upon working every single day. And it is a
21 very moderate estimate of \$500 a day. And there was
22 testimony regarding the prices that were charged for each of
23 the sex acts. I have a copy, Judge. Would you like --

24 THE COURT: Yeah, I would like to see it.

25 THE DEFENDANT: Your Honor, while you're waiting on

1 that, two quick things, please. We never dealt with the
2 forfeiture thing. I'm willing to waive the forfeiture thing,
3 but the Federal agents took a computer of my mom's that was
4 not used in trial, has no -- was no part of the case
5 whatsoever, got all our family pictures on that my aunt would
6 like back. And it's a whole bunch of family irreplaceable
7 pictures that --

8 THE COURT: Did you hear him?

9 THE DEFENDANT: That even affected them having the
10 proper pictures for my mom's obituary, you know, that we've
11 been trying to get back for years.

12 MS. LEVIN: Judge, it has previously been returned
13 to the defendant's sister.

14 THE DEFENDANT: No, it hasn't, your Honor. We've
15 been asking about this for long. Is there a receipt that
16 you -- that it has been returned to my sister?

17 MS. LEVIN: Yes, Judge. And we can certainly
18 provide it to defense counsel.

19 THE COURT: All right.

20 THE DEFENDANT: Okay.

21 THE COURT: Well, it did say you would submit a
22 victim information sheet for restitution in advance of
23 sentencing. And you don't cite any Seventh Circuit cases.

24 MS. LEVIN: That is true, there is no Seventh
25 Circuit case cited there.

1 THE COURT: I guess, without anything being
2 submitted, I didn't have any reason to really look into it.
3 Okay. I don't think there is going to be any money, so I
4 think we're spending additional time in a too warm courtroom
5 for something that isn't going to be very useful. But I'm
6 not going to order restitution based on something that I was
7 just given now. And this is the end of this case. You
8 wanted to go to sentencing today, we did. All right. Thank
9 you.

10 MR. SHAVER: Thank you, Judge.

11 THE CLERK: All rise.

12 (Which were all the proceedings heard.)

13 CERTIFICATE

14 I certify that the foregoing is a correct transcript
15 from the record of proceedings in the above-entitled matter.

16 */s/Sandra M. Tennis*

January 4, 2016

17 _____
18 Sandra M. Tennis
Official Court Reporter

Date